YELTSIN'S FIN DE RÈGNE • GORE'S START DE CAMPAGNE

SEPTEMBER 28, 1998 • $3.50

THE NEW REPUBLIC

Cass R. Sunstein: Originalism for Liberals • Roger Lowenstein: Market Bull

PRIMAL URGE

What the Scandal Provokes in Republicans

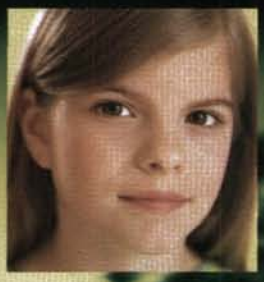
By David Grann

What the Scandal Provokes in the Rest of Us

athan Lear

$3
#BXBKDML***5-DIGIT 94301
#TNR0000068171/5#04 29OCT01
009
RON K UNZ
555 BRYANT ST #371 RK
PALO ALTO CA 94301-1704
01742
0 787446 8

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



ONE DAY, CHILDREN WILL
LOOK AT THE WORLD
THEIR PARENTS HAVE GIVEN THEM,
AND THEY WILL SAY
"THANK YOU."

The 500,000 men and women of America's Electric Utility Companies take great pride in generating electricity more cleanly and efficiently than ever before. In fact, we're leading all U.S. industries in taking voluntary actions to mitigate greenhouse gas emissions. To learn more about our environmental programs, and new ways you can use electricity wisely, visit our website (www.eei.org/enviro/). Our children deserve a cleaner planet. Together, we can help give it to them.

AMERICA'S ELECTRIC UTILITY COMPANIES

©1998, by the Edison Electric Institute. All rights reserved.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE NEW REPUBLIC

A Weekly Journal of Opinion

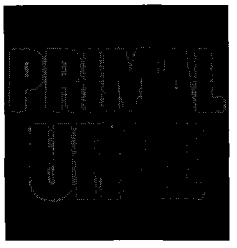
SEPTEMBER 28, 1998

FOUNDED 1914
WASHINGTON, D.C.
ISSUE 4,367

Editor-in-Chief and Chairman
MARTIN PERETZ

Editor
CHARLES LANE
Literary Editor
LEON WIESELTIER
Executive Editor
JONATHAN COHN
Senior Editors
PETER BEINART, DAVID GRANN, JACOB HEILBRUNN, JOHN B. JUDIS, DANA MILBANK, ANDREW SULLIVAN, MARGARET TALBOT, JAMES WOOD
Legal Affairs
JEFFREY ROSEN
Managing Editor
NURITH C. AIZENMAN
Assistant Managing Editor
JOSEPH LANDAU
Films
STANLEY KAUFFMANN
Theater
ROBERT BRUSTEIN
Poetry
MARK STRAND
Dance
MINDY ALOFF
Art
JED PERL
New Republic Online (Electronic Newsstand)
BRIAN HECHT
New Republic Books (Basic Books)
TIM BARTLETT
Contributing Editors
FOUAD AJAMI, ELIOT A. COHEN, STANLEY CROUCH, JEAN BETHKE ELSHTAIN, NATHAN GLAZER, ANN HULBERT, MICKEY KAUS, MICHAEL KINSLEY, CHARLES KRAUTHAMMER, VINT LAWRENCE, MICHAEL LEWIS, GLENN C. LOURY, DOUGLAS G. McGRATH, LOUIS MENAND, DAVID RIEFF, ROGER ROSENBLATT, MICHAEL J. SANDEL, MAGGIE SCARF, LEE SIEGEL, RONALD STEEL, MICHAEL WALZER, JACOB WEISBERG, SEAN WILENTZ, ALAN WOLFE, C. VANN WOODWARD, ROBERT WRIGHT
Special Correspondent
ANNA HUSARSKA
Associate Editors
JONATHAN CHAIT, RUTH SHALIT
Editorial-Corporate Coordinator
LAURA E. OBOLENSKY
Production Director
BRUCE STEINKE
Production Manager
HENRY RIGGS
Assistant Editors
JENNIFER AHARI, RYAN LIZZA, JASON ZENGERLE
Literary Assistant
ADAM KIRSCH
Reporter-Researchers
GARANCE FRANKE-RUTA, JEREMY McCARTER, TYCE PALMAFFY

Publisher
WILL LIPPINCOTT
Associate Publisher, New York
MARTI A. MEYERSON
Director of National Advertising
JOAN STAPLETON TOOLEY
Director of Finance and Operations
CHRISTINA R. BONIFER
Marketing Manager
SHABNAM K. SHARMA
Advertising Manager
ASHLEY H. COOPER
Circulation Manager
HEATHER HARMON
Accounting Manager
KIMBERLY HUSTAD
Advertising Coordinator
PATTY DUGGAN SHAMA
Advertising Associate
SHANNEL MYERS
Circulation Assistant
NI'MAT A. BILAL
Accounting Assistant
JACQUELYN M. McCULLOUGH
Back Issues and Reception
CHRISTA RICE



Articles on pages 21 and 25.

4 **CORRESPONDENCE** Protecting patients, subsidizing farmers, teaching students, &c.

6 **JACOB HEILBRUNN** TRB: CLEAN BREAK Why Russia's dissolution might not be such a bad thing after all.

9 **THE EDITORS** WELFARE CHECK Just what are states doing with all the welfare money they've saved during these good times? NOTEBOOK Iranian medicine, &c.

10 **MICHAEL WALZER** THE HARD QUESTIONS: NEWS UNWORTHY How the criminalization of politics has come back to haunt us.

11 **ANDREW MEIER** MOSCOW DISPATCH: KREMLIN CRUMBLE Scenes from the Russian front.

16 **MASHA GESSEN** MOSCOW POSTCARD: DE-PRESSED The collapse of Russia's banks won't just impoverish the oligarchs. It may rob the nation of its one great democratic achievement: a free press.

17 **ROGER LOWENSTEIN** MARKET BULL Suddenly, the stock market looks shaky. Surprise, surprise.

18 **DANA MILBANK** WHITE HOUSE WATCH: JUST WHISTLE Al Gore's strategy for weathering the scandal storm.

21 **DAVID GRANN** THE SELLING OF THE SCANDAL 1998 How a lone Republican upstart convinced his party that the scandal was an election-year winner.

25 **JONATHAN LEAR** FREUDIAN SLIP The *real* reason we're angry at Bill Clinton.

30 **STANLEY KAUFFMANN** ON FILMS: WELLES IN THE UNDERWORLD A new *Touch of Evil* recalls old battles.

31 **CASS R. SUNSTEIN** ORIGINALISM FOR LIBERALS *The Bill of Rights* by Akhil Reed Amar; *For the People* by Akhil Reed Amar and Alan Hirsch

34 **C. K. WILLIAMS** POEM *After Auschwitz*

38 **ADAM KIRSCH** THE SUBLIME AND THE RIDICULOUS *Wakefulness* by John Ashbery; *The Mooring of Starting Out: The First Five Books of Poetry* by John Ashbery

42 **CHARLES LARMORE** OBJECTIVELY GOOD *The Invention of Autonomy: A History of Modern Moral Philosophy* by J. B. Schneewind

46 **DANA MILBANK** WASHINGTON DIARIST: CARD CARRYING

THE NEW REPUBLIC. Vol. 219, Number 13, Issue 4,367, September 28, 1998. (Printed in the U.S. on September 9, 1998.) Published weekly (except for combined issues dated Jan. 5 & 12, July 20 & 27, Aug. 17 & 24, and Sept. 14 & 21, 1998) at 1220 19th Street, NW, Washington, DC 20036. Telephone (202) 331-7494. For advertising inquiries, please contact Patty Shama at (202) 331-7494 or Marti Meyerson in our NY sales office at (212) 925-5790. Yearly subscriptions, $59.94; foreign, $99.94 (U.S. funds); Canada, $79.94 (U.S. funds). Back issues, $3.50 (includes postage & handling). © 1998 by The New Republic, Inc. (ISSN 0028-6583). Periodicals postage paid at Washington, DC, and additional mailing offices. Rights and permissions: fax 202-331-0275. Indexed in Readers' Guide, Media Review Digest. Microform, Canadian Periodical Index, CD-ROM, issue and article copies are available through University Microfilms Intnl., 300 N. Zeeb Road, Ann Arbor, MI 48106. Telephone 1-800-521-0600. Member, Audit Bureau of Circulations. Unsolicited manuscripts can be returned only if accompanied by a stamped, self-addressed envelope (Internet mail address: submissions@tnr.com). For subscription inquiries or problems call 1-800-827-1289 or visit our website at www.thenewrepublic.com.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CORRESPONDENCE

Healthy debate

To the editors:

Jonathan Cohn's "Mangling Care" actually mangles the facts (August 10). His characterization of a House Republican proposal that would authorize new association health plans as a "dubious proposition" that would "in effect ... expand the class of insurers who are exempt from the very kind of patient protections the GOP bill is supposed to promote" is a gross and deceiving misstatement. In fact, under our proposed Patient Protection Act, association health plans—like all other employer-based plans, including all company-sponsored and all union-sponsored health plans—would be made directly subject to each and every one of the numerous patient protections that make up the core of the Republican bill.

More appalling is that Cohn ignores the fact that association health plans would enable millions of *uninsured* Americans to actually obtain the most basic patient protection of all—health insurance coverage. Association health plans would accomplish this by allowing small businesses to join together through trade and professional associations in order to secure the same legal and economic advantages now commonly enjoyed by unions and large-employer health plans. Rather, by dogmatically extolling a rival Democratic bill, a bill that would (according to conservative estimates of the Congressional Budget Office) raise costs so much that at least 1.5 million Americans would lose their insurance altogether, Cohn's perspective is what quickly becomes dubious. By embracing a plan that would actually increase the number of uninsured, it seems that Cohn, like many liberal Democrats, is more interested in destroying what works in our current private health system, in the hopes of inviting even greater socialization, than in protecting patients.

HARRIS W. FAWELL
U.S. House of Representatives
Washington, D.C.

Jonathan Cohn replies:

As I argued in my article, the "patient protections that make up the core of the Republican bill" are mostly meaningless—which means the end result of creating association health plans will be to increase the number of Americans whose health insurance plans are not subject to high health care quality standards. As for Congressman Fawell's argument that AHPs will make insurance more affordable for some, I agree. As I wrote, getting more people into health insurance pools is generally a good thing. The problem, as I argued, is that, in the GOP version, the cost of this increased access to insurance will be diminished quality of care or more selective marketing that targets only the healthy, either of which would mean a net loss for American health care consumers.

Cash cow

To the editors:

Your recent editorial fails to mention that agricultural subsidies are the cornerstone of this country's "cheap food" policy ("Cash Crop," August 10). Given the inelasticity of demand for grain and dairy products, a small shortage in supply causes a sharp increase in price. In order to ensure adequate supplies of these staple commodities at all times, some farmers need to be "carried" through times of abundance and cheap prices so that they will be able to continue production.

THE NEW REPUBLIC
SENECA FALLS AND AFTER
Has Feminism Kept Faith with its Founding Mothers?
Plus: The Dalai Lama Reconsidered—By Stephen Owen

PETER C. HOYT
Newfield, New York

To the editors:

If agriculture is "a business just like any other," that hardly disqualifies it for subsidies. Governments supply direct and indirect subsidies for everything from automotive production to entertainment to ship-building to telecommunications to university education. The flip side would result in an environment that is even more socially barren, ecologically uniform, and vulnerable to catastrophic collapse. These are not problems that are likely to be solved by market forces.

ROBERT HARIMAN
Des Moines, Iowa

Balanced books

To the editors:

Nathan Glazer's reminder of the schismatic controversy smoldering beneath the surfaces of all education should be followed up as one of the most pressing concerns of public policy ("Back to Schools," August 10). Choosing between Sizer's so-called progressivism and Hirsch's conservation of content is a hard question, but we should not slip into the modern cop-out that says one approach is right for some and the other right for others. Teaching is a balance between selling and testing, a moment-to-moment dynamic that takes place between the need to motivate students by relating to their interests and experiences *and* the need to require that they learn meaningful content. It is a craft that cannot be done well if one must choose *either* emphasis to the exclusion of the other.

J. SCOTT DRENDALL
King of Prussia, Pennsylvania

Judicial privilege

To the editors:

Charles Lane's critique of the Court of Appeals' rejection of the government's claim of a testimonial privilege for members of the Secret Service makes some valid points in favor of such a privilege ("Unprotected," August 10), yet Lane's critique seems addressed to the wrong audience. If such a privilege is to exist, isn't it better for Congress, not the courts, to define the privilege and its limitations? However "breezy" the court's dismissal of the government's argument was, its decision troubles me less than the judicial fashioning of a privilege out of whole cloth and the attendant danger that the court could inadvertently create an unaccountable praetorian guard.

BRANNON P. DENNING
New Haven, Connecticut

Howe's critics

To the editors:

Robert Alter is a scholar of distinction and intellectual conscience; Alter as hatchet man for the Israeli left is a less edifying spectacle ("To Criticize the Critic," July 6). Here is a small sampling of the cheap shots that comprise his mean-spirited review of my book on Irving Howe.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

He pretends to be incensed by my "play[ing] the Horenstein card, if not literally then figuratively." That last word is intended to forestall criticism of his sleight of hand in claiming that "Alexander needs to mention Howe's change of name [from Horenstein] again and again—perhaps twenty times in the book, before I stopped counting." Alter apparently did not drop his abacus before the end of the last chapter, for 20 is indeed the number of times that Howe's original name, Horenstein, has by then been mentioned. That name appears 14 times in the first two chapters for the (not very sinister) reason that they deal with Howe from birth through 1942, when Horenstein was indeed his name. The subject of name-changing comes up several times because Howe discussed it repeatedly, usually omitting to mention his own case. In 1966 he condemned Jewish radicals for choosing "for their 'party names' almost anything that did not sound Jewish"; in 1982 he said (contrary to Alter) that Jewish name-changing had "less to do with Marxist strategy than our own confused and unexamined feelings about Jewish origin." Name-changing is also relevant to Howe's activity as a union organizer and to his quarrels with Philip Roth and Sidney Hook. But nowhere do I say or imply that Howe's change of name was an "act of turpitude ... that put him on a footing of lifelong probation."

In my book I contrast Howe's 1938 Bolshevik-like invocation (described by Daniel Bell) of "historical necessity" and his explicit rejection of this totalitarian rationale for murder in his 1986 discussion of the Israeli novelist Appelfeld's *Badenheim 1939*. Alter blusters furiously over the first item in the contrast but omits the second. Why? Partly so that two paragraphs later he can tell readers that "Alexander makes no mention" of Howe's "prominent laudatory reviews of ... Aharon Appelfeld ... and other Hebrew novelists and poets."

About my suggestion that Howe felt some responsibility for creating the New Left, Alter observes: "[Imagine] the Weathermen reading *Politics and the Novel*!" But Howe had written and published much more than *Politics and the Novel* prior to the 1960s. Bernadine Dohrn, Tom Hayden, and Todd Gitlin may not have read that book, but they certainly had read and taken to heart much that was published in Howe's magazine *Dissent*, for example Norman Mailer's "The White Negro," which became the bible of New Left nihilism. Does Alter suppose that Howe in later years deeply regretted printing that piece because he didn't like the way Mailer was now growing his hair, or because he felt complicit in the monstrosities that "The White Negro" had engendered and had come to believe that, as he wrote in 1969, "at some point sorcerers must take a bit of responsibility for their strayed apprentices"?

Does Alter really suppose that Irving Howe would have been delighted with hagiography? That he would have wanted to be depicted as representing one (Alter's) "spectrum of Zionist" opinion even though he insisted (in 1982) that "I still don't think of myself as a Zionist—I'm not a Zionist"? Howe understood that the real measure of a thinker was his ability to enter the minds of people formed in schools opposed to his own. But Alter cannot get past the jejune notion that liberals should stick together, praise each other when they speak well and praise each other when they speak ill, support each other when they are right and support each other when they are wrong. He would do well to recall Howe's admonition that there is no mandate in Jewish religion for liberalism and therefore no obligation for Jewish liberals to wield a bloody axe against every dissenter from orthodoxy in politics.

EDWARD ALEXANDER
Professor of English
University of Washington
Seattle, Washington

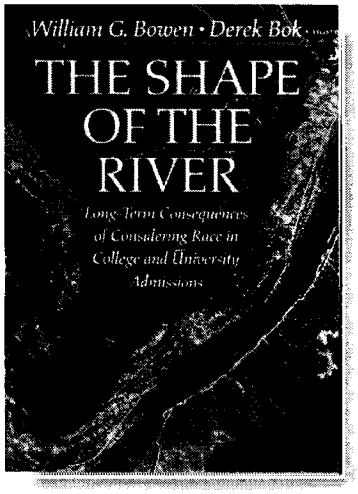
Robert Alter replies:

Edward Alexander's intemperate language vividly illustrates the undercurrent of rancor that compromises his book. I scarcely proposed hagiography in my review. Intellectual debate is surely what Howe's work invites. (I myself have publicly contended, for example, with his view of modernism.) But it is quite another thing to tar Howe with every dirty brush lying around on the left. Note how Alexander now characterizes Howe, the bitter adversary of Bolshevism, as "Bolshevik-like" and sets up a causal chain in which "The White Negro" inspires the New Left and Howe is ultimately responsible for "The White Negro." As to liberalism and Jewish tradition, I have never written a word to suggest that there is a connection between them.

The editors welcome correspondence from readers. Please address letters to: Correspondence, TNR, 1220 19th Street, N.W., Washington, D.C. 20036 (letters may also be sent electronically to: submissions@tnr.com). All letters, sent electronically or otherwise, should include the writer's full name, address, and telephone number; be typed double-spaced; and be held to under 200 words. Letters may be edited for space.

A LANDMARK BOOK!

"An invaluable resource for those interested in American higher education and, more generally, race in America."
—Senator Bill Bradley


William G. Bowen • Derek Bok
THE SHAPE OF THE RIVER
Long-Term Consequences of Considering Race in College and University Admissions

THE SHAPE OF THE RIVER
Long-Term Consequences of Considering Race in College and University Admissions
William G. Bowen and Derek Bok

Across the United States, in courts, classrooms, and the media, Americans are divided over the use of race in admitting students to universities. Yet until now the debate has been mainly one of clashing opinions, uninformed by hard evidence.

This book is intended to change that. It brings a wealth of factual evidence to bear on how race-sensitive admissions policies actually work and what effects they have had on students of different races. Its conclusions will mark a watershed in national discussions of affirmative action and race relations in general.

Cloth $24.95 ISBN 0-691-00274-6

Princeton University Press
AT FINE BOOKSTORES OR CALL 800-777-4726 • HTTP: //PUP.PRINCETON.EDU

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

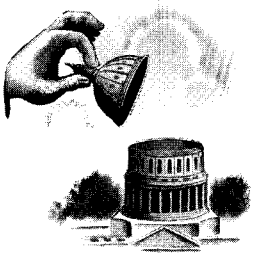
TRB®
FROM WASHINGTON

Clean break

Russia is not in crisis. It is in dissolution. Kaliningrad, the Russian enclave lodged between Lithuania and Poland, has halted payments to the federal budget. Tambov, 250 miles southeast of Moscow, has restricted bread sales to five loaves per customer. Murmansk has requested humanitarian aid from Norway, Sweden, and Finland. Novgorod has created a commodity bank that exchanges food for such goods as cardboard and fertilizer. And Krasnoyarsk's new governor, General Alexander Lebed, has announced price controls: "I am determined to stave off starvation in the region."

News like this might seem to fulfill predictions of a new, fascist Russia along the lines of Weimar Germany. Certainly the current arrangement cannot last. While the Russian nation managed to survive 1989, the state did not. Boris Yeltsin's inability to create viable and legitimate state institutions meant that Russia survived as a ward of the West on an artificial life-support system. Now that its vital signs are slipping, not even Western aid can keep it going.

But Russia's collapse could prove a blessing in disguise. For one thing, the likelihood of a strong fascist state emerging appears remote. As Anatol Lieven suggests in his new book, *Chechnya: Tombstone of Russian Power*, it may be oxymoronic to even speak of a Russian army. Afghanistan was demoralizing enough, but the Chechen debacle showed that Russia no longer possessed an army capable of functioning even within its own borders. Meanwhile, Russia withdrew from a Latvian radar station last week and is relying on American assistance to detect a ballistic missile attack. And, unlike Weimar Germany, Russia does not have the advanced industrial base or intact officer corps necessary for a revitalized, new army.



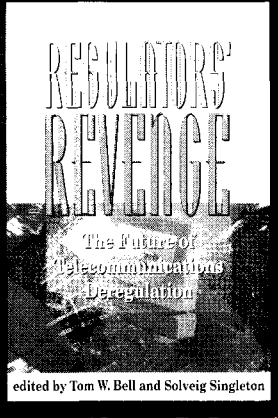
So Russia might well come to resemble the Germany of another age—the eighteenth century, when the country was nothing more than a haphazard collection of local states lacking any central authority. And such a devolution of authority could permit autonomous regions to free themselves from Moscow's ham-handed and exploitative policies in order to pursue ones more closely shaped to their own requirements. For, rather than ushering in a new economic era, the privatization of Russia's state industries actually represented a continuation of the old Soviet tradition of sacrificing the provinces to Moscow's interests.

To be sure, Yeltsin's appointment in April of 35-year-old Sergei Kiriyenko, who made his name as a reformer in Nizhny Novgorod, had seemed to signal a move in the other direction. While Kiriyenko carefully cultivated ties with powerful bureaucrats in Moscow, he also worked closely with the World Bank and the International Finance Corporation in pushing for local autonomy. He also worked to restructure local agriculture and industry and to privatize housing. His reforms became the model for the democratic leaders of Samara, Petersburg, Yaroslavl, Saratov, and Novgorod.

The attempted reappointment of Chernomyrdin, however, signals further friction with the increasingly restive regional leaders. Chernomyrdin is the instrument of the industrial conglomerates. In 1988, he founded the petroleum company Gazprom and worked for oil tycoon Boris Berezovsky. When he first went to revisit his old office at the Russian White House, he paused to allow Berezovsky to enter it first. Chernomyrdin worked relentlessly to maintain Moscow's control over regional resources: as much as 84 percent of finance capital is held by Moscow. According to Gordon M. Hahn in the September/October *Problems of Post-Communism*, "[W]hile enjoying large breaks on taxes they never pay, the Moscow-based monopolies levy exorbitant tariffs for railroads, electricity, and pipelines on regions outside Moscow, driving up production costs.... This federal-regional conflict has reached critical mass since the 1996 presidential election...." So inefficient is the production and distribution system that

continued on page 45

"THE FANFARE OVER THE TELECOMMUNICATIONS ACT OF 1996 IS OVER, BUT NOT THE CONTROVERSY. CONSUMERS AND POLICYMAKERS COULD HARDLY DO BETTER THAN READ *REGULATORS' REVENGE* TO UNDERSTAND WHAT'S GONE WRONG."
—Robert Litan
Brookings Institution



Regulators' Revenge: The Future of Telecommunications Deregulation
edited by Tom W. Bell and Solveig Singleton. 152 pages
$9.95 paper/$18.95 cloth.

CATO INSTITUTE
1000 Massachusetts Ave., N.W.
Washington, D.C. 20001

Call toll-free to order: 1-800-767-1241 (noon-9 p.m. eastern time, Monday-Friday)

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Lots of companies have a mission statement. How many have a mission?

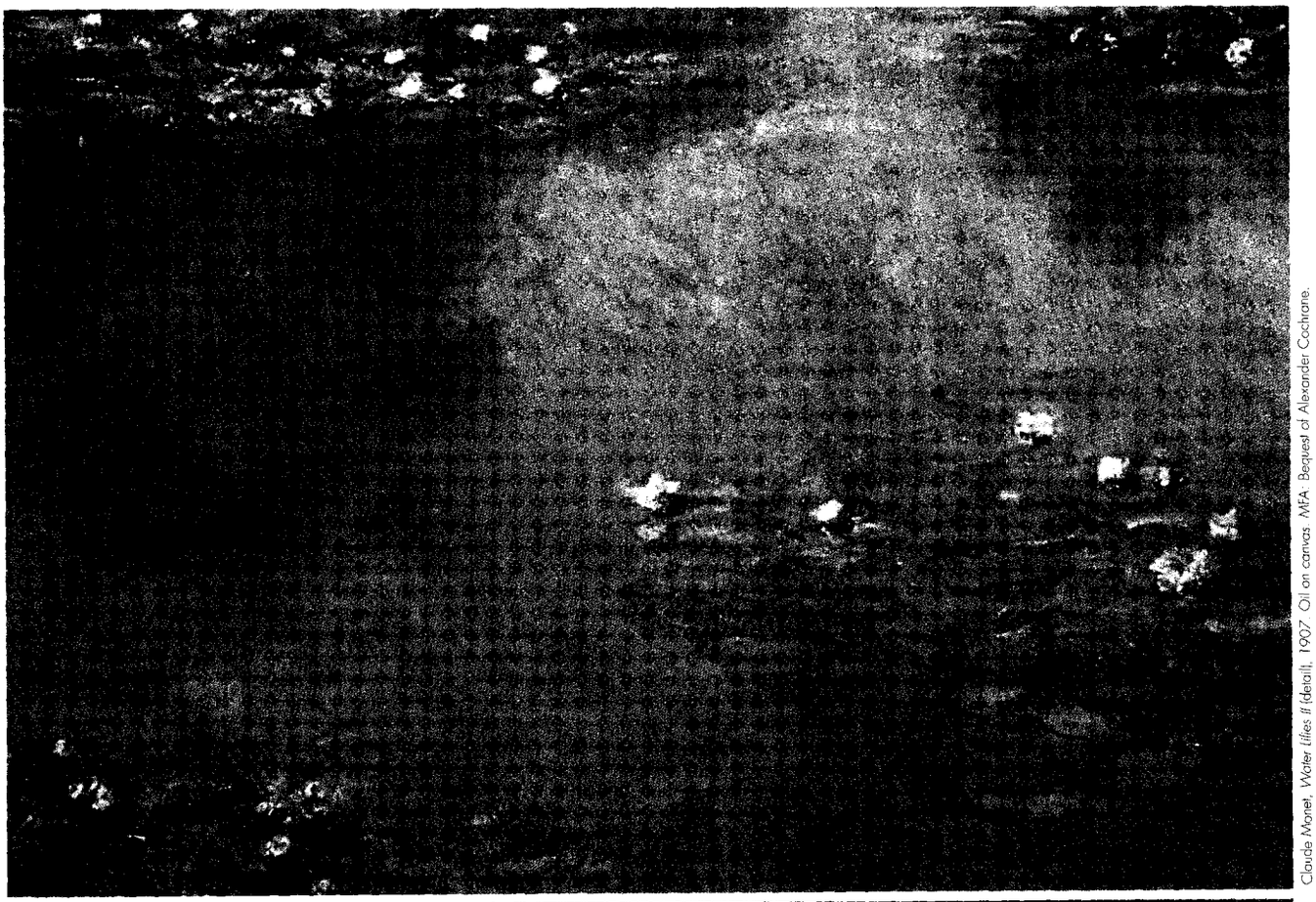
Our mission? Create better ways to reach out and help make sure people get the health care they need. We are not newcomers to this goal. ▪ In fact, we've already committed more than 160 million dollars towards initiatives specifically designed to build access, not walls. One example is USQA®, the national database we use to identify people who need access to special care. And to remind members to see their physicians for critical check-ups and screenings. We've also teamed with Johns Hopkins to create InteliHealth, the most comprehensive online consumer health information network. Another investment yielded the Academic Medicine and Managed Care Forum. Through it we've funded research to improve access to care. ▪ And we've joined with the American Heart Association in warning women about the number one threat to their health—heart disease. Simply said, we're putting our money firmly where our mission is. That's the price of entry for having one to begin with. ▪ For our brochure on how we are raising the quality of health care, contact us at 1-800-AETNA-42 or our Quality Center at www.aetnaushc.com.

Ætna US Healthcare™

Raising the quality of health care℠ in America.

©1998 Aetna U.S. Healthcare Inc.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



Claude Monet, *Water Lilies II* (detail), 1907. Oil on canvas. MFA: Bequest of Alexander Cochrane.

TICKETS ON SALE NOW | CALL (617) 542-4MFA

BECOME A MEMBER AND RECEIVE FREE TICKETS

Don't miss this remarkable exhibition of the inspired, innovative work of Claude Monet, including paintings never before seen by the public. On view at only one location in the United States.

Special ticket rates for weekdays, seniors, students, and children.

For tickets and information on hotel packages, please call NEXT at (617) 542-4MFA or log onto www.boston.com Key word: Monet

NEXT CALL (617) 542-4MFA

mfa BOSTON

Museum of Fine Arts, Boston
Avenue of the Arts
465 Huntington Avenue
(617) 267-9300 www.mfa.org

Organized by the Museum of Fine Arts, Boston, and the Royal Academy of Arts, London

Monet

IN THE 20TH CENTURY

SEPTEMBER 20—DECEMBER 27, 1998

MUSEUM OF FINE ARTS, BOSTON

THE PRESENTATION IN BOSTON IS SPONSORED BY FLEET FINANCIAL GROUP

Fleet

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE NEW REPUBLIC

SEPTEMBER 28, 1998

WELFARE CHECK

This magazine has long taken an interest in welfare reform because it is the fundamental step that government can take toward alleviating the misery of the underclass, which remains the most morally compelling issue in American politics. For that reason, we supported the historic welfare reform of 1996. Yet we have never shared the same unabashed triumphalism that President Clinton and Congress ascribe to their achievement. The 1996 bill was less an end in itself than the start of a process. Its ultimate success or failure will depend entirely on what is made of it.

Luckily for everyone, that experiment could hardly have begun under more favorable circumstances. The essence of the 1996 bill, as everybody knows by now, was to convert welfare from an entitlement, paid out to individuals, into a fixed grant, made by the federal government to the states, who would in turn have considerable freedom to distribute the money as they saw fit. The fixed grants were set at a high level—because, at the time of the bill's passage, the welfare rolls were high, and the bill's architects wanted to make sure the grants could cover contemporary welfare loads adequately. Since then, the number of welfare recipients has dropped dramatically. This means that the states have reaped a huge windfall from welfare reform—they're getting a lot of money from the federal government, and they have far fewer recipients to spend it on.

That's the good news. But there is also some reason for caution. First, the states' newfound bounty results at least in part (and, according to some critics, almost entirely) from a temporary condition: the broader economic boom. Low unemployment diminishes the demand for states to assist the needy. But unemployment will almost certainly rise again someday, and the states must be prepared for that possibility. Second, as we have long pointed out, a properly functioning welfare system—one that helps move the underclass into the workforce and allows them to earn a living wage once they have—costs more than a system that merely sustains the poor in a condition of dependency.

So it is crucially important that the states devote their newfound bounty to productive ends, which raises two possibilities. The first is to sock some welfare money away in a rainy-day fund so that they can meet the increased demands when the inevitable downturn comes. (Not all states have that option available because of their own budgetary laws.) The second is to invest more money in spending programs that help welfare recipients acquire and hold on to jobs. The Center on Budget and Policy Priorities, a respected Washington research organization, drew up a list of suggestions last spring. Among its better suggestions: creating publicly funded community jobs, subsidizing child care for all low-income families, giving more (or bigger) housing vouchers to the poor, and making various improvements in job training.

But what *are* the states doing? Last week, the General Accounting Office—Congress's in-house research department—released a study attempting to answer this question. The results, we are pleased to report, are tentatively encouraging: Most of the states have bolstered workfare services or set up rainy-day funds. Michigan, for example, decided to increase funding for day care by nine percent; it also increased spending on so-called employment services—which include all-important transportation subsidies for the poor—by 24 percent. In Maryland, the state government increased its allocation for job spending by 39 percent. And Wisconsin will increase its total assistance budget by 42 percent. According to the GAO, Wisconsin plans to sink an additional $89 million into child care this fiscal year and more than $20 million extra next year. (Of all the states, Wisconsin may have come the closest to the ideal: creating a seamless web of assistance for low-income families, thus providing more incentive to leave welfare and rejoin the workforce.)

But it's a bit early to break out the party hats. For one thing, it's easy for states to be generous now. With their coffers overflowing, state governments have enough

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

money to fund effective welfare-to-work systems and still pay for more broadly popular programs. The real test will come during hard times, when governors have to choose between job training for the very poor, who don't vote, and succor for their middle-class constituents, who do. Already, for example, Texas Governor George W. Bush has used some of the extra welfare money to finance new breaks on property taxes—a measure that will disproportionately benefit the wealthy. The GAO found that several other states—including Oregon, California, and Colorado—were also diverting welfare surpluses and using the money for general budget purposes that were not specifically targeted at low-income people.

The most intriguing finding in the GAO study was that many of the states have simply done nothing with their welfare surpluses. It is unclear whether that reflects deliberate prudence—a state's unspent funds accumulate in the treasury, and it can reclaim them at any future time—or a simple failure to figure out what to do.

The perils of this approach are clear. Governors might eventually feel the money burning a hole in their pockets. Or Congress, eyeing the unspent funds, might try to take some of it back for tax cuts or spending of its own. We hope that they will both realize that welfare reform represents a historic opportunity to transform the debilitating culture of helplessness and that it holds the noblest claim to the public's resources. Then, and only then, will the jubilation that greeted the welfare bill's signing be proven worthwhile. •

NOTEBOOK

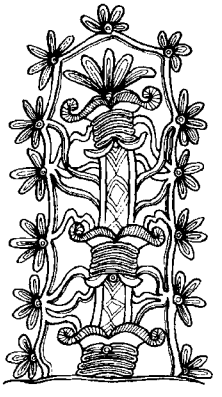
BITTER MEDICINE: Sometimes international law can be a useful thing—as the Iranian government has suddenly discovered. In early August, several Iranian diplomats and journalists were reportedly taken hostage in neighboring Afghanistan when fighters from the Taliban, Afghanistan's de facto rulers, occupied a rebel stronghold in northern Afghanistan that the Iranians were visiting. (The Taliban insists it knows nothing about the diplomats and journalists, although it admits that it holds some 30 Iranian truck drivers.) Since then, the Iranian Foreign Ministry has complained about the Taliban's violation of international law—and rightly so. But international law would be a little more meaningful if the Iranians themselves hadn't made such a show of violating it in 1979, when they occupied the American Embassy in Tehran and took U.S. diplomats hostage. To be sure, there are bigger things to worry about in the Afghan-Iranian dispute, which is on the verge of blossoming into a full-blown war; particularly troubling are recent reports of massacres and ethnic cleansing by Taliban fighters. But, to prevent war and massacre, you need international norms and a respect for the rule of law. We wish the Iranians had realized that back in 1979. •

THE HARD QUESTIONS

NEWS UNWORTHY

By Michael Walzer

How to read the newspaper these days has become a hard question. My current practice is largely determined by a strategy of avoidance. I read the obituaries first to make sure that none of my friends has died. Then I look for reassurance of another kind: that nothing awful has happened in the Middle East. Next I enjoy the sports pages, spending as much time as possible with the baseball box scores. After that, I work my way through the foreign news, country by country. I check to see if there are any op-ed pieces or letters to the editor from people I know. And then I stop. American politics is simply unreadable. I would rather reread the news from Kosovo.



I treat the electronic media no differently. Since the network TV news seems devoted almost entirely to American politics (plus a few human and inhuman interest stories), that means I have pretty much stopped watching. Instead, I have rediscovered jazz radio on FM (there are stations that carry no news at all).

Is this a justifiable practice? Probably not. I do live here, after all. I am even an American patriot, proud to be a citizen of this republic, quick to tell people in other countries that they ought to consider seriously this or that American constitutional arrangement or public policy. But my aversion to the daily news has become overwhelming. Call me an internal émigré from Kenneth Starr's America.

Of course, I used to be a news junkie, hopelessly addicted to network TV and the daily papers, back in the days when Richard Nixon and his assorted henchmen were the objects of special prosecution. And, again, when Lawrence Walsh went after Ronald Reagan and Ollie North and all that wonderful crew, I couldn't get enough of the news. I thought then that our constitutional liberties were at stake. Here were powerful men, political leaders, who seemed to believe that their raw political ambition or ideological zeal overrode the right of opposition and the separation of powers. Things that I really cared about, that we all should care about, were at stake; the prosecutors were political heroes.

Now I regret the addiction—not because of the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

political hostility it reflected, which I still feel, but because of the readiness it reflected to criminalize the politics toward which I felt hostile. Not as different as I thought from Richard Nixon, I had my own "enemies list" and was much too happy to imagine my enemies in jail.

Yes, there really were criminal acts committed in the course of Watergate and Iran-Contra, and the people who committed them belonged in jail. But the process of finding those people and proving their criminality became a kind of surrogate politics for people like me—and it has turned out to be a very bad politics. The legal process, set loose from its everyday constraints, will always turn up criminals. But what we should want, what democratic politics requires, are opponents.

Political disagreements and conflicts in well-functioning democracies should end with congressional votes and local or national elections. Or, rather, they should never definitively end, for the losers are always free to reopen the argument and to try again. Trials and impeachments make for bad endings, chiefly because they aim to be definitive. When we turn opponents into criminals and enemies, we no longer look to compromise with them or to win some temporary victory over them; our goal is to drive them out of politics entirely, ban them from office-holding, lock them up.

The reality and, even more, the threat of trials and impeachments has been a potent factor in American politics these past 25 years—a sure sign that something is wrong. We should be focused on the issues, on policy proposals and party programs, not on crimes and misdemeanors, not on sex, lies, and telephone tapes.

Certainly, there are plenty of issues. I remember a high school history teacher who told me that presidential elections in this country were once fought over tariff levels. That sounds right, a golden age. Fast track and free trade would be worth an election. So would globalization more generally and the adjustments it requires, or doesn't require. So would the consequences, which we are just beginning to understand, of welfare reform and workfare. So would the state of labor relations in America today, as we drift toward an intensified struggle between global capital and local unions—this summer's G.M. strike being a harbinger of things to come. So would the future of our public schools, increasingly underfunded and under attack. So, above all, would the new forms of inequality: the fact that a growing proportion of the American workforce is trapped in the "second economy," with low-paying service jobs, often temporary or part-time, without benefits or prospects. Surely, that would be worth talking about in a political campaign. Any of these, it seems to me, would be more exciting than sex (in a political campaign).

Now, imagine a politician with coherent positions on issues like these or, even better, a politician with an interconnected set of positions on all of them—ready to argue and compromise but also to stand or fall on the issues. The Republican candidates who signed on to the Contract with America in 1994 offer a useful though bad example, since the Contractors avoided the hardest issues, preferring ideological posturing to political substance. Still, theirs was a program of sorts, and one worth fighting against. And that fight, without the diversions of the special prosecutor, might have produced a useful counterprogram. Now imagine such a counterprogram, first proposed, perhaps, by political intellectuals in magazines like this one, debated in the daily papers and on TV, attacked and defended, rewritten and adopted at a party convention, and then featured on the campaign hustings. (Everybody knows what a witness stand and a jury box are, but does anyone remember what hustings are?)

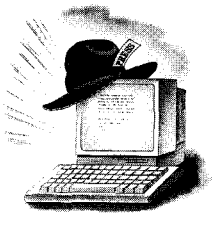
It's a utopian vision, I suppose, but still.... Give me politicians engaged in fights and campaigns of that sort, and, even if I strongly oppose their policy proposals, I promise never to tape their conversations, interview their bodyguards, subpoena their relatives, examine their correspondence, or even think about their sexual activities. If I have any worries about their moral character, I will examine only the principles they defend, the alliances they make, the opportunities they seize or spurn, and the compromises they strike. All of which I will know a lot about because I will regularly, assiduously, read the accounts of their political activities in the daily papers. •

MOSCOW DISPATCH

KREMLIN CRUMBLE

By Andrew Meier

When I went to see him, days before the devaluation, in the ornate, oak-paneled headquarters of his industrial empire, Vladimir Potanin wasn't his usual cocksure self. Potanin, founder of Uneximbank, one of Russia's biggest banks, made his fortune by building a near-monopoly on Russia's precious metals. And, as he laid out the doomsday scenario that would follow a devaluation—banks collapse, panic spreads, civil unrest ends in dictatorship—I thought he was spinning too hard, fishing for a bailout.

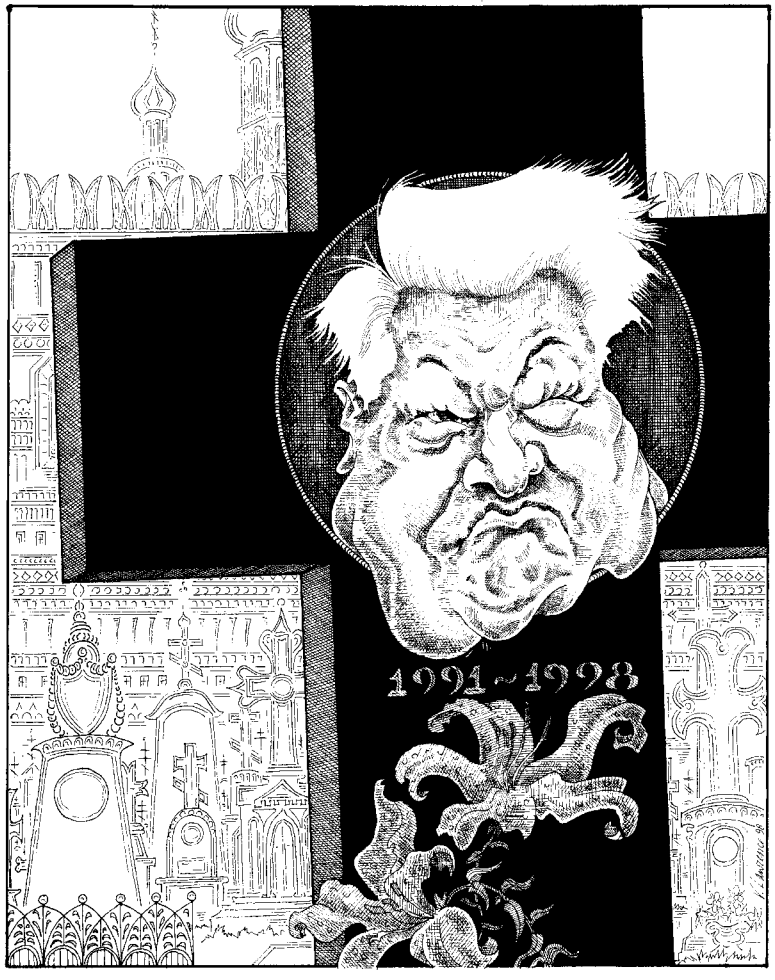


But then Potanin did something he never does. He hit Yeltsin, hard. "We have no crisis," the president had recently assured his subjects. "For him, there is no crisis," Potanin grumbled. "When you're shuttled between the Kremlin and the dacha, you're removed from the world." Yeltsin, Potanin explained, still thinks like a Soviet bureaucrat: "The ruble can sink, the banking system collapse, the stock and bond

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

markets go into free fall, but, as long the streets aren't filled with the masses, everything's all right."

Alas, now, as in August 1991, the proles are, in fact, poised to take to the streets. And, as Bill Clinton learned during his recent Moscow sojourn, this time Yeltsin is not up to the fight. With the rush of events hitting fever pitch, Russia's lunge toward chaos is remarkable, even by Russian standards. Leading the way is Yeltsin. His mental meltdown—televised live—at the summit's closing press conference stunned the Americans. (Russians have long grown used to such surreal scenes.) When asked if he could accept someone other than Chernomyrdin as prime minister, Yeltsin seemed dumbfounded. An eternity ticked by before he finally replied: "I must say ... (ten second pause) ... there will be ... (five seconds) ... quite a few ... events ... in order for us to achieve these results ... (16 seconds).... That's all."



BORIS YELTSIN BY VINT LAWRENCE FOR THE NEW REPUBLIC

Clinton tried, we are told, to revive Yeltsin during their one-on-ones, reminding him that history would judge him. Either Yeltsin will be known as the Man on the Tank at the USSR's end who brought democracy to Russia or as the president who let the country fall into the abyss. But, even if Yeltsin survives the current bout of crises, his tenure looks doomed. While the presidents conversed in the Kremlin, Muscovites witnessed déjà vu all over again as the ruble collapsed, the shelves emptied, and hyperinflation raced across the horizon. In street trading during the first four days of September, the ruble fell from 9.5 to nearly 20 to the dollar. It may well have sunk even lower by the time you read this. Meanwhile, the president's own daughter Tatyana (whose whisperings in Yeltsin's ear prodded him to sack two governments this year) is reported to have signed a mortgage on an Alpine *Schloss*. She worries about "a Ceausescu fate" for Papa.

Television, of course, exaggerates the panic. The cameras focus tightly on the bank lines, avoiding wide-angle shots that would reveal the streets crowded as ever with Range Rovers and Mercedes 4x4s stuffed with burly mafiosi and their Gucci-wrapped molls. The truth is the crash is unfolding more subtly, more Bulgakov than Headline News. For Russians, there's only one thing left to do: hedge against the encroaching apocalypse. Hoarding—a national obsession dating from the days of Soviet scarcity—is uniting the once-flush New Russian fat cats and the forever-poor masses as imported goods vanish. And, although fewer pensioners will make it through this winter, it may be the emerging middle class that's hit hardest. With the IMF now chanting a "no new credits" mantra, and Deputy Treasury Secretary Larry Summers come and gone without sparing a dime, the Russians will be hard put to fend off further collapse. So much for the Clinton cavalry.

Ever since Ronald Reagan dined with Soviet dissidents here, it's become a summit tradition for American presidents to court the local outsiders. It's a photo-friendly way to leverage political disaster, especially when the Kremlin is enfeebled and the insurgents ascending. But this time Clinton had to entertain a pretty sorry cast at Spaso House, the U.S. ambassador's residence here. Gone were the writers, poets, and other morally pedigreed members of the repressed intelligentsia who once joined Reagan to denounce Soviet evil. Instead, Clinton had to make do with a squabbling crew of Duma chieftains and provincial satraps. After the meeting, smelling blood in the Kremlin, these pretenders to the throne charged out of Spaso House toward the waiting press like hounds before the hunt.

General Alexander Lebed stole the show, grabbing the most face time with Clinton, Madeleine Albright, and the rabid hacks outside. The general promised that "the vacuum of power cannot last long. The situation today is worse than in 1917. The army is ripe for anything...." Gennadi Zyuganov, the last hope of the Communists, emerged with little to say—though his trembling mitts betrayed a growing fear that, after making a decent living as a perennial also-ran, he might

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

PRESIDENT CLINTON: YOU HAVE OUR FULL SUPPORT IN THE FIGHT AGAINST TERROR.

THE AMERICAN JEWISH COMMITTEE

August 30, 1998

President Bill Clinton
The White House
Washington, D.C. 20500

Dear Mr. President:

We applaud your decisive actions against terrorist training bases in Afghanistan and a suspected chemical-weapons facility in Sudan. The attacks you ordered on these sites demonstrate to the agents and sponsors of international terrorism that America can and will defend its citizens and its interests, using the full powers at its command to strike at the infrastructure of terror anywhere in the world.

By these bold acts of self-defense, American forces have delivered a powerful response to the heinous bombings of the U.S. embassies in Nairobi and Dar es Salaam. We know that U.S. intelligence agencies are continuing to investigate the destruction of our missions, and that you have put those responsible on notice that America will not hesitate to take further steps to punish our enemies and thwart future assaults on our countrymen. We encourage you to press on in this battle against terrorism -- wherever it leads and, within the bounds of law and U.S. policy objectives, whatever it requires.

The agony of those victimized by similarly inspired terror in recent years here and in Saudi Arabia, Israel, Argentina, Egypt, Turkey, Algeria and in other lands -- and of those murdered this month in Kenya and Tanzania -- demands a stern response. It demands an ongoing determination to drive terror from our midst. Your retaliation against the terror network was an important step in a difficult and necessary campaign.

We know that this battle must be fought on many fronts -- against states that harbor and sponsor terrorists, against groups here and abroad that support the terror movements -- and that it requires cooperation among like-minded countries throughout the world. As your Administration wages this vital fight against terror, you will have our full support.

With respect and best wishes,

BRUCE M. RAMER
President

DAVID A. HARRIS
Executive Director

THE AMERICAN JEWISH COMMITTEE

To learn more about AJC's research and advocacy in response to global terrorism, or to join our efforts here and abroad to promote American democratic ideals and intergroup understanding, call us at 1-877-AJC-INFO or visit our Web site, www.ajc.org

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

actually have to take power. Grigory Yavlinsky, the darling of Washington and Harvard, predicted that "the candidacy of Chernomyrdin has no chances for survival. The president simply must make another choice." Dmitri Ayatskov, the boisterous governor of Saratov who, at the G-7 summit last May, was introduced by Yeltsin as Russia's next president, came out of his meeting with Clinton to announce: "I envy Monica Lewinsky. He's a good man." Mike McCurry and Strobe Talbott watched the post-game show from a nearby sidewalk, pained expressions on their faces.

Meanwhile, Moscow's bankers and brokers have been reduced to a bleating herd, heading for slaughter or the exits. (The line for visas at the U.S. Embassy has grown twice as long.) The Central Bank has thrown a life raft to a half-dozen of the biggest of Russia's 1,500 banks—but only to try to drag their clients into the state-owned Sberbank, in what the Central Bank has called a "velvet nationalization." "We ... got nuked," said Peter Derby, founder of Dialog Bank and once the poster boy of American entrepreneurship in Russia. "We are living now in the conditions of the financial nuclear winter."

As their empires vaporized before their eyes, and the Communists' talk of going back to a Soviet-style command economy grew louder, Russia's oligarchs called for an economic savior—and imported one in the form of Domingo Cavallo, former finance minister in Argentina, who is famous for having tamed that nation's hyperinflation. Among Moscow's young economists, the phrase "Latin American model" once conjured up bleak images of banana republics. Last week, it became shorthand for the currency board cure, an economic measure of the last resort that has been instrumental in saving Argentina.

Under a currency board, no cash can be issued unless backed by reserves of the underlying currency. This would mean, of course, that Russia would lose its monetary sovereignty. But, as prices soar, the idea of establishing a "*kurinsy bort*" has become increasingly fashionable. Even Chernomyrdin in recent days has seemed to call for—without calling the beast by name—the introduction of such a regime by January 1, 1999. (Of course, he has slipped in a major modification—a "controlled emission" of billions of rubles to pay off pensions and back wages for the military and state workers—which Russian liberal economists immediately called a fatal mistake.)

Cavallo's bloodshot eyes testified to a busy week in the eye of the storm. He met at length with both Chernomyrdin and the acting government's macroeconomic architect, Boris Fyodorov. Cavallo was also the guest of honor at a lavish dinner of oligarchs hosted by arch-oligarch Boris Berezovsky at his corporate mansion, the elegantly restored home of a nineteenth-century merchant prince. The cuisine was Russian, but—in a typically Berezovsky touch—the music was tango.

However, Cavallo is more sanguine about his ability to save Russia than are his hosts. "The political situation is different" in Russia than the one he faced in Argentina in 1991, he told me. "It's true, we had a young government then. But at least we had a government.... I don't think the Russians will get someone who comes and tells them, 'This is the solution for Russia.' There is no such person in the world."

Someone, however, is certainly trying hard to fit the bill. Berezovsky is popping up everywhere these days—on television, in the press, in the corridors of what's left of state power—diagnosing Russia's ills and gushing with all the sympathy of an undertaker at the scene of a plane crash. An obscure mathematician in Soviet days, Berezovsky rose to demigod status in the 1990s atop a billion-dollar conglomerate built of unparalleled brains, muscle, and chutzpah. A ruthless deal-maker who thrives on power-brokering that buries apparatchiks in clouds of confusion, he has rightly been nicknamed a modern-day Rasputin. Now he's poised to live out his dream: to play kingmaker. The Kremlin "family" is in his clutch. Yeltsin's own aides fear that daughter Tatyana and Chief of Staff Valentin Yumashev hang on his every word. Chernomyrdin, the conventional wisdom tells us, has been bought and paid for by him. Duma leaders, in private, speak of the tycoon's feverish attempts to cobble together a coalition to shove the ex-prime minister back into his old seat, to shore up the oligarchy's crumbling pie.

Yet, in forcing a futile Chernomyrdin candidacy, Berezovsky may actually be promoting Lebed. The plan is simple: push Chernomyrdin until the Duma rejects him. This forces Yeltsin to disband the parliament after three "no" votes or to offer Lebed in his stead. Lebed recently gave a long, impassioned interview on the "Hero of the Day" program, broadcast on NTV, another oligarch's network. Berezovsky, no doubt, enjoyed the show, as proud as Dr. Frankenstein was with his creation.

Meanwhile, there's always the possibility that things could get even worse. (Yes, it's possible.) Consider the events of September 5, on Russia's Arctic isle of Novaya Zemlya, where an adroit band of what were reportedly nuclear watchmen—most of them Muslim natives of the restless republic of Dagestan in southern Russia—mutinied. Before security forces subdued them, the Dagestani nuclear guards killed an officer, seized 49 hostages, and swapped hostages for a plane to Dagestan. Russia's loose nukes could yet prove to be the nation's trump card. As Bill Browder, manager of the until-now wildly successful Hermitage Fund, puts it: "If the Russians really want a serious bailout, they could threaten to hold weekly plutonium auctions and make the West watch the Libyans, Iranians, and North Koreans fight to get in line."

ANDREW MEIER is Moscow correspondent for *Time* magazine.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

WHAT MAKES A GOOD SCHOOL?

✔High Standards.
✔Teachers who know their subjects and their students.
✔Varied ways of measuring student progress.
✔Involved parents.
✔Community support.
✔Strong partnerships with business and higher education.

It may Sound Simple. But it's Hard Work.

Annenberg Challenge

A public-private partnership improving education for 1.3 million urban and rural public school students

Visit our Web site at www.aisr.brown.edu/challenge

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

MOSCOW POSTCARD

DE-PRESSED

By Masha Gessen

Last month, a Russian optimist, acknowledging Russia's many blunders and horrors, could at least say this in defense of the post-Soviet state: Economically, the ruble was stable. Socially, the press was vibrant and free. And, politically, the country had held the semblance of democratic elections. As we all now know, accomplishment number one is only a memory. Less well understood, however, is the threat that the currency crisis poses to accomplishment number two—and, by extension, to accomplishment number three. For, while a country's banks going belly up is never a good thing, it is far worse when those banks happen to own virtually all of that country's independent media.

The story of how Russia got a free press begins six years ago with another economic crisis. During the perestroika period, starting in 1988, when the press was allowed to print more or less anything, press runs skyrocketed. Then, in 1992, Prime Minister Yegor Gaidar lifted Russia's price controls, unleashing hyperinflation. Newsstand prices soared, and subscription schemes started hemorrhaging money. Press runs dropped from millions to mere tens of thousands, dailies turned into weeklies, and it looked like the infant free media would suffocate in their crib.

But business came to the rescue. Led by Vladimir Gusinsky, the head of Most-Bank, who threw his money behind a new daily newspaper and a television channel, the new super-rich who would come to be known as oligarchs started acquiring and launching publications. (Disclosure statement: I work for *Itogi*, a newsweekly owned by Most-Media, the holding over which Gusinsky now presides. This is relevant, of course, only if *Itogi* still exists when this article is printed.)

The business money funded a media boom. By this summer, according to one study published in the June/July issue of *Sreda*, Moscow had 19 daily newspapers with a combined press run of approximately 8.4 million—circulation comparable to the early 1990s, but with more titles. Moscow boasted about a dozen political weeklies and a swollen selection of lifestyle magazines, including Russian editions of *Cosmopolitan*, *Harper's Bazaar*, *L'officiel*, and, as of this month, *Vogue*. The publications competed for staff, pushing average journalist salaries as high as $8,000 a month, or about 50 times the city average—and about 500 times the legal minimum.

Not everything was perfect, of course. The bulk of the media were controlled by seven business giants, who used their press to attack one another—as they did last year over the privatization auction of a communications company. Over time, the oligarchs acquired different publications to demonstrate how influential—and potentially useful or harmful to politicians—they were. Observers, including President Boris Yeltsin himself, have lamented this ownership system.

But, without big business, most publications would not exist. Last year, for example, the editorial team of the daily *Izvestiya* rebelled against its owners, Unexim-bank and the oil giant Lukoil, and walked out intending to launch an independent newspaper. The only way to raise the money was to sign on with another tycoon, Boris Berezovsky. Earlier this year, the last independent holdout, the publishing house Kommersant, was put up for sale: it could no longer survive on its own.

While the oligarchs didn't always have the purest of purposes in mind when they invested in newspapers, at least they had reason to invest in them, even when they were no longer profitable. As such, even some publications that were losing money before the crisis are still plodding along, simply because business empires are so determined to maintain their influence as long as possible. Recently, Unexim-bank, run by the mogul Vladimir Potanin, actually resuscitated a daily that it had shut down in July.

The only exceptions to oligarch-ownership have been a few tabloids whose press runs of more than a million, distributed primarily to newsstands, covered their low production costs. But, with the ruble having lost almost 70 percent of its value during the past three weeks, these proud independents have been hit first and hardest: by the time distributors deliver the money from newsstand sales, it's no longer worth enough to cover the cost of printing. Phones at two of the largest tabloids in Moscow have gone dead. Word has it that the weekly *Megapolis-Express* (press run 800,000, according to the *Sreda* study) is closing and that the city's most popular daily, *Moskovsky Komsomolets* (press run 1,053,000), has offered 70 percent of its staff unpaid leave.

Alas, sooner or later (and probably sooner) even the oligarchs will give up on the press. Already, the country's largest daily, Unexim-bank-owned *Komsomolskaya Pravda* (press run 1.4 million, with three million on Fridays), has cut pay by more than half. Other publications, including the Russian edition of *Paris Match*, have told staffers they are on indefinite unpaid leave. "That's odd," said Alexei Pankin, editor of the journalism review *Sreda*, upon hearing the news from me. "Just last night I was having drinks with some Kommersant people, and they were saying that, since they are not getting paid, they'd probably go work for *Paris Match*."

The longest holdouts will probably be weekly and monthly magazines, many of which live off advertising, and even they cannot survive for long. Because Russia does not have high-quality, full-color printing facilities, Russian magazines must print abroad, primarily in

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Finland. This requires hard currency, which is practically unobtainable these days. In addition, some of these publications kept their reserves in the high-yielding, short-term government bonds, whose collapse precipitated the current crisis. Finally, even if they weather the next few months, they are unlikely to continue making money off advertising, since their readers can no longer afford wide-screen televisions, Hugo Boss suits, and Omega watches. An executive with the Russian Advertisers Association estimates that next year's total spending by all advertisers in Russia will equal approximately $10 million, compared with over $2 billion this year and $1.8 billion in 1997. Russian *Vogue*, whose debut was inopportunely scheduled for last month, had to cancel its celebrity launch party. (It did, however, go ahead with a party for journalists, who have grown ever more appreciative of free food.)

Russian television, for its part, is divided between the state, which owns two channels and part of a third, and a handful of moguls: Boris Berezovsky, the majority private shareholder in a nominally state-owned channel; Vladimir Gusinsky, who owns one channel and a satellite network; and Moscow Mayor Yuri Luzhkov, who runs one channel. With the state going bankrupt and taking the oligarchs with it, the only remaining potential source of revenue is advertising. But advertising agencies have already started shutting their doors. One friend who worked at a TV-advertising production company told me she'd found another job on a feature film about a heroic tax policeman. The film is produced by the tax police, who apparently want to improve their image. Still, with jobs and businesses dropping like flies, the tax police are unlikely to have a lot of vacancies.

"There is no way most of this media will survive," says Alexei Pankin. His own magazine, which is published on E.U. money, cannot afford to bring its next installment of grant money into the country, because, if he puts it into a Russian bank, the bank will likely not release it. "We are all going to have to start living in accordance with our means. One, two, maybe three daily newspapers, state television—that's what we'll have."

That will mean a much weaker free press. Like other institutions of the Russian democracy, this one was imperfect. It wasn't heard as much as it should have been—most notably, when Russian newspapers and privately owned television were exposing the atrocities perpetrated in Chechnya, the government turned a deaf ear. On the other hand, the new media proved how influential they could be when they committed themselves to the cause of Yeltsin's reelection in 1996 and succeeded in selling him again to a weary public. It wasn't a striking exercise in journalistic ethics or impartiality, but it was an impressive show of force—the force that probably prevented a Communist comeback. And, as competition between publications increased in the following two years, so did the diversity of perspectives they presented.

These days, another war is brewing in the south of Russia, in Dagestan, a republic that borders Chechnya, but national media no longer have the resources to cover it. Their swan song will likely be the coverage of the current political crisis, which means the current power struggle will be the last one presented from different points of view. The next one will be filtered through the impoverished prism of state television and one or two surviving newspapers. That's bad news, period, as even an optimist would concede.

MASHA GESSEN, author of *Dead Again: The Russian Intelligentsia After Communism*, is the chief of reporting at *Itogi*.

Don't worry about Wall Street.

MARKET BULL

By Roger Lowenstein

A market crash has about it the aura of a Greek tragedy—a message from Olympus that the gods have been displeased, heralding, one assumes, years of hardship and a lower GDP. This is partly because we know that the crash of 1929 preceded the Great Depression, and it is partly because we are obsessed with interpreting the market's every move, even short-term, random ones. And so the cover of this week's *Time* spoke for most of the country when it asked, "IS THE BOOM OVER?"

The short answer is: There is no reason to think so. The economy may well slow down; a mild recession may even be in the offing. But last week's stock market meltdown does not foretell it, just as it does not foretell a warm winter, though either outcome is possible. The market's record as an economic beacon is simply too spotty. Indeed, if the crash reminds us of anything, it is that stock markets are so frequently imperfect. The recent drop on Wall Street (unlike the more serious currency crisis) need not bespeak some imminent calamity. Most likely, stocks crashed simply because they had risen too high, presumably due to speculative excess. It should not even surprise us, because the stock market is designed to go to excess.

This paradox derives from a simple but oft-overlooked fact—namely, that stocks trade in a secondary market. In other words, traders buy and sell Intel shares not on the basis of Intel's earnings but according to some notion of what other traders may be willing to pay for Intel later. These future buyers will usually act sensibly, but, being human, they won't always do so. As a market rises, it inevitably attracts a more speculative crew—that is, people who will pay ever-larger sums for a stock as long as they think a more

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

naïve soul is waiting in the wings to buy it at an even more absurd price. A little speculation can be healthy, to be sure, but too much divorces the market from reality—and this is precisely what's been happening lately.

Consider the much-ballyhooed Internet stocks, which fell hard in the recent downturn. Most of these companies are mere tadpoles in their corporate development—virtual firms with no earnings and only minimal sales—yet their stocks have valued them in the billions of dollars. Investors were so eager to get a piece of the Internet that they forgot that the Net, as a medium, destroys margins and profits rather than builds them up. (Because the Internet levels barriers to competition and makes a commodity of every product, almost every business on the Net must compete on price.) It's a hot medium for consumers; whether it will be so for investors is a very different story.

Investors should have known that, but, when the trading action is so fast, who has time to think about the underlying business? Amazon.com, the online bookseller, has yet to turn a profit; its total sales for the most recent quarter were only $116 million. However, on a single recent day (September 1), 11 million shares of Amazon stock, worth some $880 million, were traded. At those rates, Amazon would have to sell books for 474 years just so its sales could equal one year's trading volume. It brings to mind an old Wall Street joke, in which a can of sardines gets traded at ever-higher prices. Finally, a trader pays $1 million and decides to eat them. "They're rotten," he cries out. "Ah, these aren't *eating* sardines," another trader explains. "They're *trading* sardines." So it was with Amazon's stock, which soared during the past year from $14 per share (adjusting for splits) to $147, only to plummet to $86. When trading becomes so furious, the actual business—hawking books, designing websites, whatever—is but a speck in the trader's eye, and the stock takes on a life of its own. Little wonder that, at its recent peak, the price-to-earnings ratio of all stocks was up to 30, double what might be sensible.

And it is surely no coincidence that a spate of accounting embarrassments—at Cendant, Sunbeam, and Livent—surfaced in recent months. (At all three companies, reported profits in effect turned out not to exist.) In a speculative climate, investors will look the other way. They want to believe in profits more than they want the profits themselves.

Of course, until last week, many experts dismissed circumstances like these. The market, they said, would go even higher, because all of those people holding mutual funds would keep dutifully investing their 401(k) money, month after month, like so many parishioners putting quarters in the cup. Never mind the imbalance between earnings and stock prices—some investors' club in Dubuque would always be there to buy, right? But theories like this are nothing new. Indeed, every bull market has its flawed rationalization. In 1987, the conventional wisdom was that Japanese investors (remember them?) would sustain the market; in 1972, the Nifty-Fifty stocks were said to be safe at any price because the big accounts would never sell them. Once stocks have clearly soared beyond intrinsic worth, market theorists generally avoid the question of valuation and take comfort in the thought that some tribe or other will have to keep on investing. In short, Wall Street will always have a reason to be bullish.

This past July, it was, again, those hearty mutual fund investors, our economic infantrymen, who poured $19 billion into stocks, a sum that would have been shocking a few years ago but lately has seemed routine. No matter; August was one of the worst months for stocks in history. You can never predict what will return investors to their senses or when; it could be Asia, it could be Monica. But, sooner or later, stocks will revert toward fundamental value. It is no disaster, no thunderbolt from the heavens—only another man-made bubble, inflated and pricked. Life and the market will go on, quite possibly to repeat this whole cycle over again.

ROGER LOWENSTEIN is the author of *Buffett: The Making of an American Capitalist* and a regular contributor to *SmartMoney*.

WHITE HOUSE WATCH

JUST WHISTLE

By Dana Milbank

Americans awoke last Thursday morning to all manner of disaster, natural and man-made. A Swissair jumbo jet had crashed in the Atlantic. Hurricane Earl was attacking Florida. The Dow Jones industrial average had fallen again, and Russia was imploding. The Justice Department was renewing its investigation of Clinton over campaign finance violations, and more damning details about the president's sexual escapades were dribbling out.

But, as the vice president took his seat in his cabin on Air Force Two for a flight from Andrews Air Force Base to Pittsburgh, he had another matter on his mind. There on his desk, alongside a basket of grapes, the daily press clippings awaited his review. Curiously, the story at the top of the pile concerned neither death at sea nor scandal at home. No, the vice president's top story that morning was about the ravages of . . . urban sprawl. "GORE CALLS FOR 'SMART' GROWTH," read the headline of the brief story, pulled

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Where We Stand

A commentary on public education and other critical issues

We're All Responsible

By SANDRA FELDMAN, President
American Federation of Teachers

As school starts, many of us are haunted by images from recent news stories of children opening fire into schoolyards, but I wish every American would stop in to visit a local school and take a look around. They'd be reassured by the calm and orderliness in most hallways and classrooms. I'd guess that the main reaction from someone not used to schools would be, "How do they manage all those kids?"

Well, it isn't easy. And sometimes schools don't. So while the overwhelming majority of America's children attend safe, orderly schools, it's important to talk about the exceptions and to focus on a basic question: If, as every poll shows, parents and teachers all identify discipline and safety as top concerns, why isn't every school safe and orderly? After all, aren't these grownups in charge?

Not entirely. Schools are part of a community. And if a community isn't willing to take its responsibility for dangerous streets or for run-down and overcrowded school buildings, schools will suffer the consequences.

Zero Tolerance

We've enacted zero tolerance rules for deadly weapons. That's good; and it has helped. But what about zero tolerance for violence and drug dealing and other adult ills in and around the school community? Or zero tolerance for parents who fail to properly supervise their children or see to it that guns are properly stored in their homes?

People who work in the schools can't do it all. The first order of business for a neighborhood, or a society, that wants safe schools is to ask if adults are exercising their responsibility for their children—in the homes, and in the streets.

The second order of business is to realize that in schools where kids are crowded into facilities designed for half their number—in other words, in many urban schools—discipline and order are likely to suffer.

The community has to do its part. And school people have to do theirs: provide an orderly learning environment. That means having high expectations of all kids, making rules that are fair—and making them stick.

Children need rules. That's one of the ways they learn. A youngster who assaults a teacher or a fellow student must suffer immediate—and serious—consequences, for his sake and for the sake of the other students. (They're all learning something from this experience.) A youngster who is violent or disruptive needs a different setting. That can be a separate special school or a separate setting within the same school.

For discipline and safety, schools need clear rules that are strictly enforced.

Smaller things make a difference, too. Lateness, for example. Or littering. Or rudeness.

I remember very well what happened a couple of years ago in a tough high school in the Bronx. There was a discipline code, but it was not consistently enforced, and the place was out of control. The halls were chaotic; kids wandered into class whenever they felt like it. So when a new principal came on the scene, the teachers went to him and pressed him to do something. Together, they worked out a plan. One important element was that kids would not be allowed to come to class late. When the bell rang, teachers would shut their doors, and students who were in the hall would be subject to a penalty under the new code.

They Held Firm

The students got plenty of warning about the crackdown, and so did their parents, but many of the kids didn't take it seriously. So the first day, dozens were shut out of class and sent to a detention room. The teachers and the principal held firm, and the number of truants got smaller every day. By the end of a couple of weeks, lateness was no longer a problem, and the climate in the school began to change. Students had been walking the halls all day, but thanks to strict enforcement of a simple rule, they were now attending class. And the whole atmosphere of the school was changing.

Schools cannot cope with some things. People with guns and drugs to sell are not school problems; they are committing crimes, and they are for the police to handle. But we can do a remarkable amount by making rules that insist on proper standards and by enforcing them—fairly, consistently, unflinchingly. We have to remember that children in school—and they are children no matter how tough they look—need just what they need at home: adults to take responsibility. ▮

Where We Stand **is published once every month in *The New Republic*. To comment, write to Sandra Feldman, AFT, 555 New Jersey Ave. N.W., Washington, DC 20001.** **© Sandra Feldman 1998.** **Visit our web site (http://www.aft.org).**

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

from the obscurity of *The Washington Post*'s page A17, which it shared with a Macy's ad and the findings of a U.N. population report.

Gore's office had billed the sprawl talk as a "major speech," and, in the vice president's cerebral world, it was indeed a big deal—a plan to slow the suburban housing developments that are gradually destroying American farmland, cities, and neighborhoods. Alas, Americans' concerns have been a bit more immediate of late: the possibility that their fortunes would be wiped out in a day on Wall Street, or that Osama Bin Ladin would drop some nerve gas on the Washington Monument. Still, Gore plodded on stubbornly with his treatise on "livability." Some aides wondered if Gore would be wiser to wait, but he didn't entertain a delay. "If you wait for a quiet time, you'll be waiting forever," a top adviser says.

It's easy to see why Gore feels that way these days, given that the return of old demons—Bimbroglio and the campaign finance probe—and the debut of a new one—the shaky stock market—threaten to hobble the Democrats' front-runner for 2000. But, as Gore begins crisscrossing the country in the formal campaign season for this fall's races, he's working hard not to flinch. Some of this is simply whistling past the graveyard. Gore also wants to prove, as one adviser puts it, that "he can take a punch" better than he did in early 1997, when, accused of campaign finance abuses, he assumed the fetal position. In the long run, though, Gore's fascination with unconventional issues like livability are part of his plan to defeat a bigger threat to his candidacy than scandal or economic distress: the perception that, after two terms of Clinton-Gore, the vice president has run out of big ideas.

First, of course, Gore must contend with Bimbroglio. Early on, it seemed Clinton's troubles might even help Gore—a man of Clintonian ideas without Clintonian appetites. But now it appears the whole administration will limp through the final quarter. Gore, though no doubt personally appalled, hasn't even discussed his thoughts with his closest aides, and he isn't allowing any cracks in his famous loyalty to Clinton. Before Clinton's televised confession, Gore, in Hawaii, rewrote and strengthened a statement supporting Clinton that his aides had drafted. That morning, as Clinton testified, Gore had called his senior staffers with orders not to appear disloyal to the president, "under penalty of death," as one top aide puts it. Bob Squier, a longtime Gore strategist, helped Clinton and Harry Thomason prepare for the president's televised address that night; Peter Knight, a Gore fundraiser, joined in the damage-control efforts. Last Friday, after *The Wall Street Journal* reported Gore advisers discussing "whether Gore's best shot at winning would be if Clinton resigns," Gore directed his chief of staff, Ron Klain, to place a conference call to outside advisers telling them to cool it.

The campaign finance probe, which Janet Reno has just renewed over evidence Gore misled investigators, is no less scary for the vice president, but he's trying not to show it. Last time he felt threatened, he blurted out his famous "no controlling legal authority" and avoided events that would expose him to press questioning. By now, Gore's worst moment has become a source of some mirth even between the vice president and his staff (as in, "there's no controlling legal authority that says you have to go to Cincinnati"). And he isn't hiding from reporters, either. He took a question on camera just after the latest news broke, and he hasn't changed his schedule. Last Monday, he walked to the back of his plane to greet reporters, asking them, with mock innocence, "What's new?"

A greater threat to Gore's presidential hopes comes from the stock market and the possibility that Russian and Asian woes will drag down the U.S. economy. "Some people would argue Greenspan is more important than Reno" to Gore's chances, says one Gore adviser. So far, at least, Gore's strategy has been to ignore the most worrisome news. Last Friday he released the latest employment figures for the administration, and he added a statement about the fundamental health of the economy, the sort of reassuring remarks usually left to Treasury Secretary Robert Rubin. He did the same thing in Pittsburgh on Thursday, declaring to the businessmen attending a Democratic fund-raiser that "America is on the right track."

In the end, there's not much Gore can do about the president's recklessness, Reno's fickleness, or the market's restlessness. It's no wonder, then, that Gore has found comfort in the world of policy detail. The livability theme, with its tranquil and pastoral overtones, is just the thing to beat the independent counsel, global-meltdown blahs.

At the speech on livability at Brookings, Gore unveiled such headline-grabbers as $100 million worth of "location-efficient mortgages" from Fannie Mae to encourage home-buying near mass transit. Early next month, he will release a thick, interagency report on the topic. With luck, say his advisers, the notion of livable communities might evolve into the sort of "family first" issue that worked so well for Clinton. It will also allow Gore to develop his own story. At the Brookings speech, he talked about his sometime hometown of Carthage, Tennessee, "a place where people know about it when you're born and care about it when you die."

Many, of course, will see this as a diversion—and an eye-glazing one at that. While discussing with another journalist what questions to ask the vice president when he visited us on the flight to Pittsburgh (Reno? Lewinsky? Yeltsin?), I mentioned I wanted to ask about livability. "*Please* don't ask him," my colleague implored. If I did, Gore surely would spout endlessly about the Farmland Protection Program and the National Spatial Data Infrastructure, thus avoiding the tough questions. I held my tongue.

Yet, it seems to me Gore actually has an important issue here—even if it doesn't work as a campaign theme. The problem of sprawl will outlast Ken Starr

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and the bull market, and we ought to be doing something about it. This is why I was so disappointed in Pittsburgh. Gore's first stop was at a new development, plunked down on 600 acres of green hillside miles outside of town. It was just the sort of sprawl Gore had decried the day before, created by a new highway and by residents and businesses fleeing the city's high taxes. At the fund-raising event, when the local congressman lauded the "sprawling mixed-use development" on this once-green hilltop, the vice president praised the congressman for opening "a new artery" for cars and hailed the place as a "magnet for economic development." After all, the donors at the lunch, who contributed a combined $200,000 to the party, didn't want to hear that they were destroying city and country.

I preferred the Gore I had seen the day before at Brookings, obsessing earnestly about his latest foray into arcane matters of policy. The meeting began with the unwelcome announcement that "the vice president's office has prepared a short videotape." The tape's audio failed, and the audience was left to see a series of meaningless pictures—cows, skyscrapers, tractor, housing development—punctuated by painful bursts of feedback. A few minutes later, with the vice president in the room, the tape played again, with the same result: silent cows and skyscrapers. Gore, in his element, seemed not to mind a bit. He proceeded excitedly through his lengthy speech. For a moment, I forgot about Dan Burton, the stock market, and Monica's book contract. By the speech's end, Gore was almost singing. "[T]his land is your land," he said. "From California to the New York island/From the redwood forests to the Gulf Stream waters/This land was made for you and me." Any day now, the vice president will pull out a harmonica and strip off his dress shirt to reveal the tie-dye beneath, ready to roam and ramble across a nation of housing developments. And all around him, a voice will be saying, this issue was made for wonks like me. •

Monica's campaign debut.

THE SELLING OF THE SCANDAL 1998

By David Grann

In most political campaigns, there are moments when things begin to shift irrevocably to one side—moments when, in the midst of all the handshakes and speeches and fund-raisers, history actually gets made. This happened most starkly in 1974 after Richard Nixon resigned, and more surprisingly in 1994 when Republicans unveiled the Contract with America. But there was little on this warm July night in North Carolina's Second District to suggest that anything momentous was about to happen that might change the course of the 1998 elections, or set off a panic in the White House, or provoke headlines halfway across the world in Tokyo. In fact, as far as Dan Page could tell, there was nothing happening at all.

The 32-year-old Republican challenger was sitting in his campaign headquarters on New Bern Street in downtown Raleigh, staring blankly at the phone. Every few minutes, his campaign manager, Jack Hawke, would stick his head in and ask if he'd made any more fund-raising calls, and Page would nod. No one had given anything in days ... or was it weeks? "I'm Dan Page and I'm running for Congress," he'd say shyly, waiting for the inevitable click. What was the point? His opponent, Democratic Congressman Bob Etheridge, already had more than $400,000.

Page got up and looked around the room. The second-hand desks were chipped, the rug stained with coffee and cigar ashes. Unused "Page for Congress" stickers spilled out of boxes onto the floor. It was the kind of mess that came from abandonment rather than activity. The only thing of value there was an $800 computer, with a screen saver that seemed to mock him: "*Dan Page for Congress ... he's smarter than a sack of owls.*"

As he slipped into the corridor, trying to escape, the two-term state senator passed an empty office, once inhabited by the campaign's finance chairman and field director, whom Hawke had been forced to let go for lack of money. Finally, as Page headed downstairs to his car, Hawke approached him—only not about the fund-raising calls. "We've got to pick a fight," he said.

Page nodded, leaning over the hood of his car. "How?" he asked.

Still unsure himself, Hawke smiled. "We roll the dice."

A week later, Hawke arranged a meeting with the Strategy Group, a fledgling political consulting firm in Ohio known for its "edgy" advertising spots. It started as a typical session on how to exploit television; by the end, it would change not only the direction of the Page

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

campaign but the focus of local elections across the country.

On Thursday morning, two young consultants from the Strategy Group gathered in the cluttered conference room at Page headquarters, along with Hawke and his right-hand man. As they sipped black coffee, the ad guys distributed an eight-page memo marked "confidential": "The objective of the ad campaign must be to first and foremost properly introduce [Page] to the general electorate—they must like and trust you." To do this, the memo recommended running a series of positive spots in October that would portray Page as "fighting for our values" and inoculate him against any attacks for being rated one of the most "ineffective" legislators in the State House. After that they could go negative.

To Hawke, this was chickenshit. They needed to hit hard now, he said, not later.

Hawke's longtime partner, Robert Jones, agreed. "We're like a sailboat right now, sittin' there with no wind."

As they searched for a gust, a single sentence in the memo caught their attention: "Should the Clinton scandal escalate into a definable crisis, we may want to consider ... portraying Etheridge and the Democrats as silent co-conspirators."

"That's it!" Hawke exclaimed.

Jones, who had worked with the famed Clinton-hater Cliff Jackson in Arkansas during the 1992 presidential campaign, began to fiddle excitedly with his cigar. Page, he noted, had advocated character-building education in schools. He even sang in his church choir. "It's perfect," he said.

Well, maybe not perfect. It was not yet clear, after all, that the Clinton scandal had escalated into a "definable" crisis. "We haven't even done a poll yet," said Rex Elsass, one of the consultants. Such a strategy might alienate voters or, worse yet, the National Republican Campaign Committee (NRCC)—the group that determines which candidates are worth funding. The committee had already warned candidates to stay mum, not wanting to risk its eleven-seat majority in the House over an issue most Americans wanted just to go away. In January, GOP pollster Frank Luntz circulated a memo saying, "It would be a grave error to be seen as taking political advantage of such an unfortunate situation." And, until that morning, not a single challenger had broken with this unofficial policy.

"Let's be the skunk at the garden party," Hawke said.

Despite fears of reprisals from Washington, they all began to shout out ideas, scribbling them down on a pad: "Christian values," "character counts," and "get picture with Clinton and Etheridge side by side."

Now it was Elsass, the skeptic, who urged them on. If we're going to do it, he said, we might as well do it before Clinton testifies and anyone else does it. "Maybe we'll end up on CNN," he said.

It was only then that the candidate walked into the room and saw everyone smiling. Hawke glanced at his Mickey Mouse watch. "Sorry I'm late," said Page.

Hawke grinned. "Let's go get some barbecue."

Politics and advertising have always had the slight whiff of the con. "Truth doesn't matter as much as the perception of the truth," Hawke likes to say. In *The Selling of the President 1968*, Joe McGinniss observed that the American voter demanded the "illusion that the men he chooses to lead him are of finer nature than he." But, even though campaigns have marketed this illusion for more than four decades, the Page ad that came over the fax the very next day was something different. It was no longer the selling of the candidate. Rather, it was the selling of the scandal.

At once nervous and excited by their own audacity, Hawke, Jones, and Page scrutinized each line in the ad:

(Scene starts with slow motion, black-and-white footage of the president.)
Voice over: "His is the most corrupt administration in American history."
(Headlines of Clinton scandals. Use the best of the worst.)
"Dishonoring our heritage."
(Clinton footage slow motion. Freezes.)
"And who stands with Bill Clinton, even now?"
(Photo of Etheridge and Clinton together.)
"Liberal Bob Etheridge."
(Same photo. Zoom in on Etheridge. Graphic: "Liberal Bob Etheridge.")
"Etheridge gives Bill Clinton a standing ovation."
(Washington Post *article highlighted to show "greeted with a standing ovation. . . ." Pull line in article out to large scope and highlight it over a picture of a smiling Etheridge. Same graphic: "Liberal Bob Etheridge.")*
"Applauding Clinton's values, not ours."
(Headline from USA Today *or other magazine* Time/Newsweek *... showing Monica Lewinsky and negative headline.)*
"What kind of man stands silent while corruption triumphs?"
(Simple morph shot of Etheridge changing to Clinton.)
"Who will restore our Christian values?"
(Warm shot of a country church at sunset.)
"Senator Dan Page."
(Footage of Dan Page. Strong close-up. Graphic: "Conservative Senator Dan Page.")
"Dan Page believes character counts and morality matters."
(More footage of Dan and family. Graphic: "Dan Page: Character Counts.")
"Because we are one nation under God, not men."
(Shot of country road and fence at sunset. Graphic: "Conservative Dan Page ... Standing Up for Our Values.")

They argued over each word. Jones opposed the phrase "Christian values." "Does that mean we're against Jewish values?" he wondered. Hawke worried that "the most corrupt administration in American history" might be too subjective. And Page didn't like the morphing idea. "I don't want to suggest that Etheridge *is* Clinton," he said. Satisfied after several revisions, they sent the copy back to the Strategy Group, where one of the producers later noted: "Anything that uses less

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Haverhills' Best Sellers*

*But read this ad for an even better deal!

More than just a telescope...more than just a microscope...

Episcope™
(the complete vest-pocket optical system)

still only $59.95*

•*Even at its highest magnification of 30x, the* Episcope™ *resolves as distinctly as any laboratory microscope, yet it is only 2" long. An optical miracle!*

Remove the *Episcope*™ from its fitted leather case and it's a 30-power microscope. A twist of the wrist converts it to a 3x telescope, or a unique 3x telescope-loupe. Another twist, and you have a choice of magnifiers and loupes: 5x, 10x, and 15x powers. The *Episcope*™, only 2" long, was developed in Wetzlar (Germany), the home of world-famous Leica cameras; it's now being made by one of Asia's finest lens makers. The optics are superb: brilliant luminosity, needle-sharp focus, absolute planarity, total chromatic correction, and fully anastigmatic. The *Episcope*™ is the first choice of geologists, biologists, numismatists, philatelists, engineers, and just anybody who likes to see the infinite detail in his/her surroundings. It comes with a plastic "tripod" for extended observations at 15x or 30x magnifications. ***Episcope*™ #1062E259a**

Rid your home of varmints and pests once and for all...

Rodelsonix IX™ only $69.95*

Mice, rats, roaches, bats, fleas, spiders and other pests make life miserable at home or at the plant. Old-fashioned poisons get rid of them—but only temporarily, and they are a hazard to you and to your pets. *Rodelsonix IX*™ works on a different principle: It delivers a tremendous blast of ultra-sound—inaudible to you and your pets—that disrupts the nervous systems of those pests. They'll leave your home within a few weeks—never to return. No poison and no mess.

•Rodelsonix IX™ *is an industrial-type unit, the most powerful you can get. It's a humane and effective system to get rid of pests—once and for all.*

Rodelsonix IX™ is an industrial-type unit designed and engineered to be effective in restaurants, factories, and food-processing plants. It protects up to 10,000 sq. ft. (70,000 cu. ft.). It has six variable pitch and "loudness" settings. You can even adjust it to keep larger pests, such as raccoons or rabbits, at bay. ***Rodelsonix IX*™ #1007E259d**

Get TV reception you never had before, with...

Scanner 2000™ only $39.95*

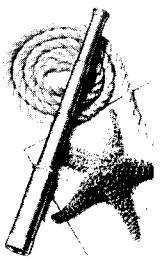
•Scanner 2000 *plugs into your house wiring and needs no batteries. The unit has two ports allowing you to operate two TVs or radios at the same time.*

You can now get TV reception that you never thought possible. With *Scanner 2000*™ and through the miracle of microelectronics, you are able to "activate" the electrical wiring of your home and use it as a giant antenna. *Scanner 2000*™ will stabilize your TV picture, it will eliminate "ghosts" and static, and it will bring in stations that were visible only as flickers and annoying shadows. Even if you are now on cable or have a digital satellite system, you will be able to clearly receive "fringe" stations. For even more powerful performance, *Scanner 2000*™ contains a 20dB amplifier gain booster. As a "bonus" *Scanner 2000* will greatly enhance your FM and shortwave radio reception. Now, finally, enjoy TV as it should be enjoyed and get your *Scanner 2000* today! ***Scanner 2000*™ #1068E259b**

A spyglass in the great naval tradition...

Adm Nelson's Telescope™ (with table tripod) just $59.95*

When Horatio Nelson fought the battle of Trafalgar, he used a telescope just like this to monitor the movements of the French-Spanish fleet. Our manufacturer has created a faithful replica of this famous scope. *Admiral Nelson's Telescope*™ measures about five inches in its "collapsed" position. When you extend the four sections to full length, the scope will be fifteen inches long and focused to infinity with needle sharpness. Everything will appear twenty-five times larger than it would to the naked eye. Compare that to standard binoculars which give you only 6x or 8x magnification. If you have ever wanted to own a fine telescope, but found prices a little steep, *Admiral Nelson's Telescope*™ should be your choice. You'll get many years of good use and enjoyment from it. ***Admiral Nelson's Telescope*™ #1069E259e**



•*The optics of* Admiral Nelson's Telescope *are "25x30" which means 25x magnification and the great light gathering capacity of a 30-mm objective lens. Admiral Nelson's telescope was made of brass. This replica is heavily chrome-plated for extra beauty and protection. The scope comes with a belt-looped vinyl carrying case. For permanent mounting the scope comes with an extendable table tripod.*

Increase your hearing range by a factor of at least 10X, with...

PowerVox IV™ only $39.95*

•PowerVox *is state-of-the-art in sound amplification. It does for hearing what binoculars do for seeing. It brings everything 10-times closer.* PowerVox *is not a medical hearing aid. It is a way for you to better enjoy the world of sounds around you.*

The instructions to the *PowerVox IV*™ caution you to have the control on "very low" when you first try the instrument. If you do not, it could scare the daylights out of you. The thing is truly astonishing and in a way almost unbelievable until you try it and convince yourself. Put the *PowerVox*™ in your shirt pocket or clip it to your belt and realize to your amazement you can hear people talking up to 50 feet away, a pin drop 10 feet away, and every little sound in your surroundings. A walk through the woods will reveal birds, deer, squirrels, and even little crawly things that you never would have known about otherwise. *PowerVox IV* comes with a full complement of attachments: Belt/Pocket Clip and Earphones. The 9-volt battery is included of course! ***PowerVox IV*™ #1050E259c**

A breakthrough in audio technology...

Over-the-Ear Mono/Stereo Earphones™ only $16.95*

•Over-the-Ear Mono/Stereo Earphones *are virtually invisible, feather-light and comfortable. These earphones deliver bell-clear sound and can be used with all of your mono and stereo audio equipment.*

Until yesterday, there were only two kinds of earphones: The "standard" that fits over your head and that makes you look like somewhat of a zombie. Then there are those "ear buds," little spongy things that you insert in your ear; they are uncomfortable and invariably fall out after only a short while—very annoying. But now come *Over-the-Ear Mono/Stereo Earphones*,™ a real breakthrough in audio technology. They are virtually invisible, totally inconspicuous, just as with the pretty lady you see in the picture. And they are feather-light, weigh virtually nothing. They won't give you a headache and they won't annoy you by falling out. You can wear them all day long without fatigue and practically without anybody noticing them. And, of course, you can use them for both mono and stereo sound equipment. ***Over-the-Ear Mono/Stereo Earphones*™ #1066E259f**

***Our "special deal": BUY ANY 2 ITEMS AND GET ANOTHER ONE FREE!**
For instance: Buy a $69.95 item and a $49.95 item and get another $49.95 or lesser-priced item FREE!

FOR FASTEST SERVICE, ORDER BY TOLL-FREE PHONE OR BY FAX. SEE NUMBERS BELOW.

For customer service, please call (415) 643-2810. For wholesale orders, call Chris Simpson at that same number.

You may order by toll-free phone, by mail, or by fax and pay by check or Visa/MasterCard. Please give order number shown after the item. Add $4.95 shipping/ins. for each item (**except three Rodelsonix IX** for $9.90), plus sales tax for CA delivery. You have 30-day return and one-year warranty. We do not refund shipping charges.

since 1967
haverhills®
2360 Third St., San Francisco, CA 94107

✆ Order by toll-free phone: (800) 797-7367 or by fax (415) 643-2818 ✆

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

words and allows for more image is great with us."

But, when Hawke informed party officials in Washington of his plan, he was chastised so severely he began to question himself. Trying to appease his doubts, he dialed his friend Carter Wrenn, who in 1990 masterminded one of the most infamous and effective TV spots in campaign history: the "white hands" ad for Senator Jesse Helms, which Helms's black opponent labeled racist. "Am I doing the right thing?" Hawke asked.

Wrenn said he couldn't figure out why no one had done it yet—which was all Hawke needed to hear.

The candidate, however, still had qualms. A reserved, devout Baptist who had stumbled into politics just a few years earlier and prayed before each meal, Page worried the ads might be unchristian. Several hours before they were to air, he called his preacher at the Central Baptist Church, Tom Wagoner, and read him the script. "I don't want to be assassinating anyone's character," Page said.

Wagoner listened quietly. "Sometimes," he explained, "the truth hurts."

The Etheridge camp had expected some sort of negative campaign all along. In a June 5 fundraising letter, the incumbent warned that Page would be ready with attack ads they couldn't even imagine: "No matter what people say, when that mud hits, it sticks." Etheridge knew this as well as anyone. In 1996, he had won in part because of a TV spot that essentially accused his opponent, GOP Representative David Funderburk, of lying about a car accident. While the camera showed black-and-white footage of the stretch of road leading to the crash that injured several people, an announcer intoned: "The congressman says he wasn't driving. But five witnesses say he was ... Congressman David Funderburk. Why won't he take responsibility?"

Now Etheridge was faced with something even more stunning: an attack on his character in the form of an attack on someone else's character. "By making my character an issue this way," Etheridge said, "they have shown their own real character." The local papers agreed. In an editorial headlined, "TAKE HIGH ROAD, PLEASE, SENATOR," the *Rocky Mount Telegram* denounced Page for "running against a soon-to-be lame duck president" rather than his opponent. Other papers noted that the photo of Clinton and Etheridge had originally included five North Carolina law enforcement officers and was taken at a ceremony touting legislation that provided police with more bullet-proof vests. The biggest rebuke, however, came from the state and national Republican parties, which publicly derided the ads and, according to Hawke, even broke off a previously scheduled fund-raising planning session. "This is not the time for us to be taking partisan benefit from this," the Republican National Committee's communications director, Clifford May, told *The Washington Post.*

But, within days of the president's testimony and semi-apology, something unanticipated happened: $18,000 flooded into the Page campaign, not including a $5,000 PAC donation from the National Federation of Independent Business. As the first Republican to break his party's silence in a TV spot, Page was soon fielding calls from CNN. And CBS, and ABC, and NBC, and MSNBC, and *The New York Times*, and *The Washington Post.* For the first time in his life, the former GOP county chairman appeared on national television, doing an interview with Chris Matthews on CNBC's "Hardball." With the new money, the campaign at last commissioned a poll: 46 percent of the voters were so upset by the scandal that they were "extremely" or "very likely" to use their congressional votes to send the president a message. Suddenly, the NRCC, which had only weeks earlier derided the ad, boasted to reporters that "Page knows better than anybody in Washington what will work with his voters and district." And the committee announced it was considering expanding its list of top targets to include the once seemingly invulnerable Etheridge.

Meanwhile, as media outlets played the $30,000 spot over and over for free, other GOP candidates began to seize on the scandal as well. In Alabama, Gil Aust unleashed an even harsher ad; in California, gubernatorial nominee Dan Lungren aired a spot poking fun at the White House. More significantly, the NRCC broke its long silence and launched "Operation Breakout"—a million-dollar advertising drive centered on the very theme from Page's campaign: "Honesty does matter."

When I finally arrived in North Carolina late last week, Page was already preparing his second TV spot. Outside his house in rural Coats, one of the consultants was darting through the yard, issuing orders. "We need one shot by the fence with the kids, one with the family playing in the field, one of the minister by the church, one walking down the street...."

Page sat under one of the boom mikes. "I'm not very good at this," he said.

"Just relax," said Hawke, powdering his face. "We want to get the essence of Dan Page."

"Do you want his whole body?" asked one of the cameramen.

"Just the shoulders up," said Elsass.

"You have a hair," said Hawke, pointing to an unruly locke on Page's forehead.

Once the cameras were rolling, Elsass began to ask Page about his beliefs and values. Sometimes, Page would stop and stutter, and start again. Finally, Elsass asked him about the scandal. As Page echoed the slogans from his first script, his voice became louder. "When will Bob Etheridge stand up to Bill Clinton?" he demanded.

Hawke clapped his hands. "That's it!" he shouted. "That's it!"

It didn't seem to matter that his candidate still lagged far behind his opponent. The ads were no longer just about the Second District or Dan Page or Bob Etheridge. "This whole thing," said Hawke, "has gone national." •

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

What Sigmund would say about the scandal.

FREUDIAN SLIP

By Jonathan Lear

We live in strange times. On the one hand, it is common knowledge that psychoanalysis has been discredited; on the other, the nation has spent the year straining to get a peek at what the presidential penis has been up to. Officially, no one is interested in sex. The public blames the media and Kenneth Starr; the media have run stories saying it is public fascination that forces them to cover this sordid business; and Kenneth Starr has insisted that the issue isn't sex at all, but perjury, suborning perjury, and obstruction of justice. In other words, no one is interested in sex, though each party thinks the other is, and somehow the nation seems to be talking about little else.

But this is only one of a number of odd phenomena the Lewinsky affair has brought us. Another is the discussion of the president's place in the rule of law. Kenneth Starr has said that the point of his investigation is to demonstrate that no one is above the rule of law. But it has become clear that, in the name of treating him like everyone else, he is treating the president like nobody else. No prosecutor, after all, would pursue an ordinary citizen in similar circumstances or with such zeal. Perjury is a serious crime because it is only prosecuted in serious cases. If every citizen had his or her own prosecutor who actually prosecuted every lie about every sexual liaison, perjury would be about as serious as speeding. The president is in the unique position of being accused of a serious crime—but one that wouldn't be serious if everyone were treated just like him.

And, of course, no ordinary citizen would have his or her office and bedroom surrounded by federal agents who, at the drop of a subpoena, transform from guards into spies. Is there anyone in the history of the world whose private life has been more subject to public scrutiny? I am reminded of Freud's anthropological essay, *Totem and Taboo*, in which he says that, throughout history and across cultures, societies tend to put their leaders in white houses, ornate palaces, special tents, and huts—not simply to honor them but to confine and keep a watchful eye on them.

And then there is the bizarre assumption, put forward by press and politicians, that, in the name of truthfulness, we are owed a full accounting of the president's extramarital sex life. In his recent speech, Senator Joseph Lieberman said, "Whether he or we think it fair or not, the reality is in 1998 that a president's private life is public. Contemporary news media standards will have it no other way." That is why, Lieberman says, the president cannot claim that his affair is private. Neither Lieberman himself, nor any of the politicians and commentators who congratulated him, noticed how strange it was for him to begin his statement on morality by saying "whether . . . we think it fair or not."

But, when it comes to morality, it surely matters a great deal whether or not it is fair to treat a president's private life as public. The idea that we should accept this situation because it is current political reality is, itself, immoral. Indeed, the whole point of morality is to recognize a gap between the way things are and the way things should be. To take a stark example, suppose a generation ago a senator began a speech by saying, "Whether we think it fair or not, the reality in 1942 is that Jews are. . . ." Of course, we would be appalled, and rightly so. Why, then, isn't there even a murmur of recognition that the same type of argument now allows the behavior of the group—in this case, press and politicians—to go unquestioned?

Certainly, while the press thinks it is owed a full account of the president's behavior, it does not think it has to give a full account of its own. If there is one important law that has been broken in this whole mess, it is the one that forbids federal prosecutors from leaking confidential grand jury proceedings. But no editor is going to assign an investigative reporter to do a story on who is leaking to the paper because the press is actively participating in, and encouraging, the subversion of this law. And, though there are moralizing stories about protecting confidential sources, there is very little acknowledgment that protecting these sources effectively subjects officials to trial-by-rumor. Unlike the president's extramarital sex life, the way news is gathered and reported is clearly a matter of legitimate public concern. Of course, the press hides that, while, at the same time, under the guise of *truth*,

JONATHAN LEAR, a professor at the Committee on Social Thought at the University of Chicago, is author of *Open Minded: Working Out the Logic of the Soul.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

it pushes for the *transparency* of the president's extramarital sex life.

How to account for these bizarre twists in our political life? It is precisely at these moments, when we become strange to ourselves, that Freud thought it worthwhile to look for a deeper explanation. The question is how one might do this in a way that is both responsible and enlightening. Certainly, any determination of what is going on in the president's or Lewinsky's mind would be little more than a wild guess. But it's possible we *can* find out something about what is going on in our own minds. The question is this: In the playing out of the Lewinsky affair, can we detect, below the surface of the daily events and the reasons given for them, a mythical structure in which we are all unconsciously participating? In what drama are we the unwitting participants?

This is not, of course, to say that there is a "group mind" to analyze. But I do think a society can live out certain myths—elemental narratives that give expression to basic fears and longings. And a myth has its strongest hold when we are unaware that we are in the midst of it.

Let's start with an analogy: think of the newspaper as society's ego. It is giving us, as *The New York Times* says, "All the news that's fit to print." The newspaper purports to give us an organized view of reality each day. Informed citizens rely on the paper to keep informed, and, as Benedict Anderson describes in *Imagined Communities*, each of us knows that the others, in reading the newspaper, are absorbing the same outlook at about the same time. In participating in the daily ritual of reading the newspaper, we form a sense of a shared reality.

But, if the newspaper is society's ego, the editorial page functions as society's superego: it tells us how things *ought* to be. And, if we look past the arguments to the images floating on, or just below, the surface, I think we can see at play a fundamental myth about the origins of civilization. To be sure, there is woven into it a Christian myth of sin, human sacrifice, and redemption. But there are also more primordial elements that circumscribe the conditions of civilization itself.

Consider, as a case study, the lead editorials of *The New York Times*. If one looks, one will see not only religious imagery but also the images of ritual, mystery, and magic. On April 5, for instance, the *Times* wrote that Starr is "not the *vessel* we would have chosen"; "our point [is] about the *sanctity* of the law"; "the rule of law ... is the *central magic* of the American governmental experience" (the emphases in these quotes, as in all the following quotes, are my own). On the day before Clinton went before the grand jury, the editors said they wished "[t]o avoid the *sin* of prejudgment" and said that, if the president did explain everything, "that *catharsis* might allow some measure of *renewal*" (August 16). And, on the day after his appearance, the confrontation between Starr and Clinton was described as occurring in "that *hallowed* room," the Map Room. "When perjury enters the picture," the editors say, "the truth that might have been his *salvation* becomes his enemy." Indeed, in an epic struggle, Clinton has to combat an "*insidious force*" inside himself. His only hope is by "*speaking fully and from his heart*," because he "cannot stop *the process of revelation*.... By and by, we will see entire the lineaments of his *fate*." The danger is that "he has so falsified his conversation with the American people that he could not, *even in the hour of his greatest peril and through the simple agency of truth, position himself to receive their forgiveness*" (August 18). The threat is that Clinton is past the point where redemption and renewal are possible.

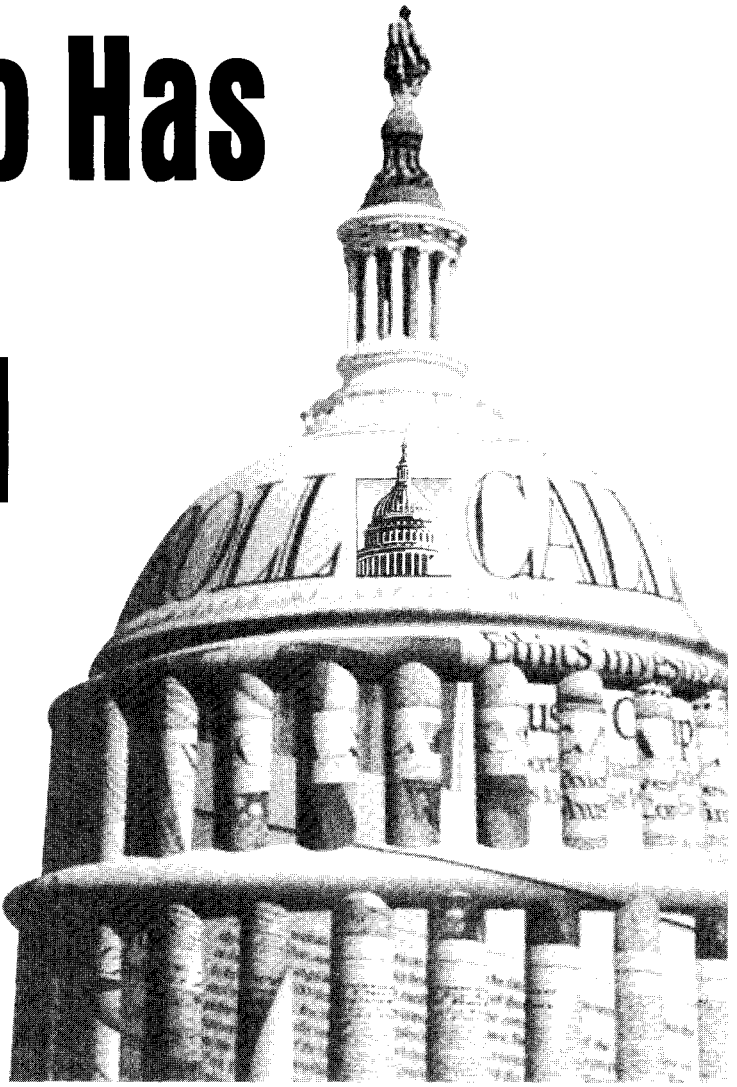
But what is the sin? There are, of course, the obvious crimes, but the editorial page hints at something else. Clinton "went to Washington with virtually every imaginable political skill except one. *He seemed to think he was immune from a rule...*" (August 18). An earlier editorial marks a difference between Clinton and previous presidents: "Unlike any of his modern predecessors, Bill Clinton seems to believe that he *lives beyond the reach of public disappointment*." On September 3, Clinton is described as "a president *out of control* and in the betrayal mode." The suggestion seems to be that Clinton does not think of himself as constrained by the ordinary rules of human behavior. Put in religious terms, his sin seems to be that he takes himself to be a god—for only a god is allowed to live beyond the rules of human behavior. And, in some literal sense, Clinton does take himself to be omnipotent: he is omni-potent—able to fuck anyone. Only a god is allowed to get away with that.

Working back from the Christian doctrine of the death of the son to atone for the sins of man, Freud thought that he could identify a myth about the origins of civilization. If death is the appropriate punishment, it must be to atone for a murder, and, if it is death of the son, the original crime must have been murder of the father. Freud posits a pre-civilized state in which an all-powerful leader—the "primal father"—rules over the tribe. He has sexual access to all the women, and he subjugates the men or drives them out. The defining moment of civilization occurs when the sons band together, overthrow the father, and form a civilization by instituting strict rules of sexual access. The incest taboo, in particular, guarantees that men and women must marry outside their immediate families—and these marriages bring families together into larger social units. It also guarantees that no one man can possess all the women—and thus threaten a return to a pre-civilized state.

It is crucial to recognize that this is a myth; Freud mistook it for actual history. But, as Robert A. Paul says in his fascinating book *Moses and Civilization*, the importance of this myth lies in how it organizes current experience. For one man to act as though he has sexual access to all women is, from the perspective of this myth, to threaten the very fabric of civilization. Clinton, with his sexual escapades, his high office, and his

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Guess Who Has Capitol Hill Covered



Did we really need to ask?

The answer is clear: Roll Call.

Washington insiders turn to Roll Call for the Congressional news they need. Total coverage of the people, the politics, and the process of Congress make Roll Call "must-reading" from Capitol Hill to K Street.

With award-winning reporting and expert analysis, Roll Call gives readers a competitive edge and keeps them at the top of their game.

Here's your chance to find out how Roll Call can do the same for you, too!

To subscribe, call 1-800-289-9331.

Subscribe today and be the first in your office and among your colleagues and competitors to have Capitol Hill covered.

❒ **YES!** Enter my subscription for a full year (95 issues) to ROLL CALL for the special rate of $195.*

Name_____

Address_____

City/State/Zip_____

❒ Payment Enclosed ❒ Bill Me Later

Charge My ❒ Visa/MC ❒ Amex

Credit Card # _____ Exp Date_____

ROLL CALL • 900 Second Street, NE • Washington, DC 20002
Fax 202/408-5677

* DC residents please add 5.75% sales tax. NR

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

lack of concern for getting caught, triggered a fantasy of a leader who has unrestricted access to women and can get away with it. This is Clinton's political failure: He has inadvertently allowed himself to become the target of a fantasy in which he is the primal father—and, as such, must be brought down if civilization itself is to survive.

This would render intelligible all the strange phenomena—the absurdly heightened demand that no one is above the law, a special prosecutor investigating every move of the presidential penis that is not sanctioned by the social norms of marriage, the demand for transparency in what would ordinarily be thought of as a private realm. It also reveals an underlying meaning in editorial arguments that, in their own terms, are extraordinarily shoddy. To the objection that disproportionate means are being used to investigate what is, at worst, a minor crime, the *Times* responds:

> The rebuttal is simple and straightforward. Law is the keystone of American society and political culture. *If it does not apply to small matters concerning this president, the day will come when the public will be asked to believe that it should be ignored in large matters concerning some other president.* (April 5)

This rebuttal is hardly straightforward. As anyone who has taken a tenth-grade civics course knows, when the law does succeed in working in large matters, it is often because we have judiciously not enforced it in small ones. Precisely because this special prosecutor has been so unconstrained in his pursuit of the details of Clinton's sex life, the independent counsel statute itself is threatened. But, even if the argument is poor, it makes sense from the perspective of fantasy: if the "small matter" is the breaking of a taboo, or the incursion upon a fundamental law, then we have to be on our guard. There are no minor or acceptable ways to break the Ten Commandments. Thus we have to be concerned with "small matters" to reaffirm our commitment to civilization.

But this myth of civilization is not the only unconscious theme that has been stirred up. Consider this bizarre way in which a *Times* editorial discusses the issue of privacy:

> Ironically, the "zone of privacy" envisioned by Hillary Rodham Clinton may actually be enlarged for future presidents, simply because *viewing her husband's private life has been as jarring to adult eyes as getting a glimpse of the mess in an adolescent's room.* (August 23)

What is jarring to my eyes is this sentence, for, on its surface, it makes no sense. To an adult parent's eyes, there is little that is more familiar than the mess of an adolescent's room. How strange to compare the glimpse we have had of the president's illicit (and perverse) sex life to the mess of an adolescent's room. Why stress that the eyes looking on are *adult* eyes? Why insist that the mess is an *adolescent's* mess?

I would like to suggest that there has been a transposition. To move our gaze from the president's blow job to the average mess of an adolescent's room is to move away from explicit sexuality. And, if a writer needs actually to state that our gaze is "adult," one wonders: Is he warding off the thought that perhaps our gaze is childish? After all, one doesn't have to state that we are looking on Clinton and Yeltsin with adult eyes. And, although the age and social position of the viewer and viewed have been transposed, what remains undisguised is the idea that we are "*viewing*," that, with "*...eyes*," we are "*getting a glimpse* of a *mess in* [*a*] ... *room*" and that it is "jarring." It is not that we are thinking about or considering or contemplating the president's sex life; we are watching it. Ironically, the very next day in his column, Anthony Lewis, in speaking of Kenneth Starr, makes the point: "Mr. Starr is living proof of Sigmund Freud's thesis that all children are dying to know what goes on behind the doors of their parents' bedroom." (The question is whether this kind of urgency is getting expressed in adult activity. In an article headlined "REPORTERS CITE FRUSTRATION," *The New York Times* reports that two distinguished journalists accompanying the president to Russia "felt compelled" and "had to ask," as they put it, questions about the Lewinsky affair in spite of the fact that America's greatest foe in the twentieth century, a country whose stability is vital to our future well-being, had just undergone complete economic collapse.)

On the face of it, it is absurd to think that our intrusive gaze into Clinton's private life will increase the private space of future presidents simply because we have seen a jarring mess. What are we going to do, allow future presidents to have their own jarring messes but avert our gaze? Unless there is new legislation to protect the president from our intrusive gaze, the relations between the president and his closest advisers and with the Secret Service have been fundamentally altered. But the sentence does make a kind of sense if we see it as a child's reassurance that his or her intrusive gaze is not going to be too destructive. Perhaps I should say that, in my professional life, I have had the opportunity to psychoanalyze journalists, and, while it's hard to draw general conclusions, the people I listened to did experience a conflict between a desire to peer into others' lives and a fear that they were being too destructive in writing about it. In fantasy, gazing itself seemed to have a destructive aura.

If I am right that Clinton has unwittingly tapped into a myth that he is the primal father, then, as such, surely he must die. One should expect "the sons" to rise up against him and establish, or reestablish, civilization. Thus the critical essays by George Stephanopoulos in *Newsweek* and Dee Dee Myers in *Time* (the symbolic son and daughter); the attack by Joseph Lieberman, surely one of the "brothers" in Congress; and the fact that other Democratic congressmen are joining in. All of this should come as no surprise. Indeed, it is striking that Clinton has been so blind to the central mythical threat that he has

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

posed for his contemporaries. Clinton is the first member of the baby-boom generation to succeed at becoming president. This is not an easy issue for the generation itself to negotiate. For all earlier presidents, whether one liked them or not, it was unproblematic to see them as older, fatherlike. But for Clinton to step forward and become president raises a new set of challenges for his contemporaries: to put it bluntly, "Why does he get to be president and not me?"; "How could he possibly be a father figure?"; "What kind of a father is he going to try to be?" In short, the generation itself has to go through a transition where it can tolerate one of its own members becoming leader, and Clinton has inadvertently made that transition unnecessarily difficult.

Clinton should have reassured his generation in 1,000 tacit ways that, basically, he was going to remain part of the group. He could have been a much more effective leader if he had repeatedly hinted that he was leading from within. Instead, he seemed to be fucking around and lying about it, draft-dodging and lying about it, smoking marijuana and lying about it. And, by somehow seeming to get away with it even though everyone knew he was lying, Clinton triggered a fantasy of a person who took himself to be above the law—a person who could step outside the group with impunity. This made some members of the group envious, others angry, and it made a wide swath of the group vaguely uncomfortable. This is one reason why there has been a "character" issue from the beginning: What is at stake is how the group responds to someone who thinks he can live beyond its bounds, "beyond good and evil."

By now, it is becoming obvious that, if Clinton wants to survive, he has to orchestrate his own death. Clinton must die as primal father in order to be reborn as repentant son. This is why there has been such a unified cry—from editorial writers to Republican and Democratic leaders—that Clinton must make a full confession and apologize to the nation. It is as though the Chorus is singing out that, if this drama is not going to end in tragedy, it must be transformed into an essentially Christian tale of salvation and redemption. There are ever more signs that Clinton has finally caught on. It began when he told a group of black leaders on Martha's Vineyard, "I'm having to become quite an expert in the business of asking for forgiveness.... It gets a little easier the more you do it."

The larger issue raised by the Lewinsky affair is what role unconscious myth is to play in democratic political culture. There is a widespread assumption that the unconscious is not something that need concern us. In the public realm, the assumption seems to be that, if we insist upon the freedom of information and insist upon the transparency of the doings of our political leaders, then we will know all there is to know. The demand to know the details of Clinton's illicit sex life shows this culture's flattened understanding of what it is to uncover the hidden.

We live with a myth that we can live without unconscious myths. This myth itself has fascinating texture, and here I can only pick up one thread. Since at least the Vietnam War and Watergate, there has been a sustained attack on what psychoanalysts call the idealizing transference. We have become suspicious of the tendency to endow our leaders with larger-than-life qualities, and there is an ever-present tendency in the media to cut them down to size. The coverage of Watergate, the secret war in Cambodia, and Vietnam set a model for a generation of what reporting should be: the uncovering of the hidden and illicit. This model easily degenerates into a generalized tendency to expose and undermine. We do this by investigating our leaders' sex lives, finding embarrassing moments from their past, moments of political weakness, and other human foibles. In so doing, we reassure ourselves that we are dealing with reality, that we are living without mythic distortions, and that we shall never again be duped by some Wizard of Oz ... or a Camelot.

That is, in attacking idealizations, we are tempted to think of ourselves as at last getting in contact with the unvarnished truth. What we fail to grasp is the mythic nature of this experience. Concurrent with the attack on idealizations, there is also a chronic sense of disappointment—and a sense that we live in an age bereft of real leaders. As a culture, we haven't yet recognized that disappointment is the flip side of idealization: we are disappointed in part because leaders aren't living up to our idealizations. We also do not realize that leaders cannot live up to our idealizations, not simply because they are unrealistic but also because we ourselves will attack the space in which idealization might occur. In general, we do not understand how active we are in constructing our sense of political disillusionment. The idealizing transference hasn't disappeared from our lives—we are currently living it out in the experience of disappointment.

The point is not to plead nostalgically for a return to an age in which idealizations flourished—as if we could put the apple back on the tree. It is, rather, to recognize that this notion that we live in an age bereft of leaders and this notion that we live in an age of great leaders are two sides of the same idealizing coin. If we want to allow for the possibility of real leadership, in a democracy, that avoids puffed up idealizations, we must enter into a more sophisticated relation with our own unconscious, myth-making processes. The point is not that by analyzing the unconscious we can at last live without myths but that we can enter into more imaginative relations with them. Instead of being locked in a rigid pattern of idealization followed by disappointment followed by another attempt at idealization, we may open up a space for our leaders that avoids both excessive idealization and excessive attacks on idealization. Then perhaps we can also give them back something they need: their private lives. •

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

BOOKS & The Arts

Stanley Kauffmann on Films

Welles in the Underworld

In recent years some older films have been reconstituted in what was, or ought to have been, their original form. Add to the list the 1958 thriller by Orson Welles, **Touch of Evil** (October). In charge of the Welles restoration were Rick Schmidlin and the redoubtable editor Walter Murch. They unearthed a mass of production notes and reports, footage from the original negative, and a 58-page memo that Welles had sent to the studio after he saw the producer's cut of the film, a memo that the studio disregarded. Now the picture is available in a form as close as possible to what Welles intended.

On this matter of intent, consider an interesting document that I haven't seen in any book about Welles. When *Touch of Evil* was released in Britain, it was reviewed in the *New Statesman* by William Whitebait. Welles wrote to the magazine about that review, and the May 24, 1958 issue contains his long letter. Here are some excerpts:

> Sir,—Without being so foolish as to set my name to that odious thing, a "reply to the critic," perhaps I may add a few oddments of information to Mr. Whitebait's brief reference to my picture *Touch of Evil* (what a silly title, by the way: it's the first time I've heard it).

He goes on to speak of

> the wholesale re-editing of the film by the executive producer, a process of re-hashing in which I was forbidden to participate. Confusion was further confounded by several added scenes which I did not write and was not invited to direct. No wonder Mr. Whitebait speaks of muddle.... Just once my own editing of the picture has been the version put into release [*Citizen Kane*, surely]; and ... I have only twice been given any choice at all as to the "level" of my subject matter. In my trunks stuffed with unproduced film scripts, there are no thrillers. When I make this sort of picture—for which I can pretend to have no special interest or aptitude—it is not "for the money" (I support myself as an actor) but because of a greedy need to exercise in some way the function of my choice: the function of director. Quite baldly ... I have to take whatever comes along from time to time, or accept the alternative, which is not working at all.

This letter, though it seems disarmingly candid, is itself a curiosity. Welles complains about the film's title, but he himself adapted the screenplay from a mystery novel by Whit Masterson called *Badge of Evil*; if Welles didn't actually suggest the new title, it still couldn't have seemed so vastly different from the original. Compelled by circumstances to direct thrillers for which he claimed no special aptitude, he nonetheless did three others, *The Lady from Shanghai*, *The Stranger*, and *Confidential Report*. Then there's his general discontent with *Touch of Evil* as released; at about this time he told a group at Oxford that it was one of the pictures that had come closest to his original plans.

These contradictions would just be part of the recurrent writhings of ego-and-commerce at release time except that we're dealing here with a genius, and that the film itself mirrors, in some degree, at some angles, the contradictions between this letter and the facts.

Obviously much has been restored to *Touch of Evil*; it now runs 111 minutes as against the 95-minute version that has usually been shown. Without detailed comparison of the two versions, it's possible to say only that the longer version sustains its texture more consistently than (as I remember) the earlier one. But, grateful though we must all be to the Schmidlin-Murch team, the film itself is—still is—a disappointment. It's a flurry of pressure-cooker baroque, an extreme example of the exhibitionistic hijinks in which Welles could sometimes indulge, apparently intensified here because he wasn't doing what he really wanted to be doing. (*Don Quixote* was much on his mind at the time.) So he showed the commercial people how he could force a piece from their own world to respond to an artist. Or so he seems to have thought.

Welles's screenplay is braided, as thrillers often are, with serious themes, not seriously utilized but flaunted to imply weight—in this case racial conflict, civic probity, personal ethics, and loyalty. The setting is the Mexican-American border, and the two main characters are a sprightly young Mexican narcotics detective (Charlton Heston) and a porcine, sly, local American police chief (Welles). The film opens with a murder-by-bomb—a justly famous three-minute tracking shot in which a bomb is planted in a car, which is then driven a short distance across the border before the explosion. (It's the one truly thrilling sequence in this thriller, made even more effective now because Schmidlin-Murch have removed the credits from this sequence

FILMS WORTH SEEING

First Love, Last Rites. *A first feature that dares simply to exult in the atmosphere of a youthful affair. Heady evocations. (Reviewed 9/7/98)* **A Merry War.** *George Orwell's* Keep the Aspidistra Flying *deftly rendered, a comedy about an aborted 1930s revolt against philistinism with a scintillating cast. (9/7/98)* **Regeneration.** *From Pat Barker's novel about Siegfried Sassoon's stay in a "shell-shock" hospital during World War I. Acutely acted, intelligently written. (9/14&21/98)* **Saving Private Ryan.** *Only a master—Steven Spielberg—could have made the opening D-Day sequence. Any first-line professional could have made the good war movie that follows. (8/17&24/98)* **—SK**

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and put them elsewhere.) The search for the perpetrators of the bombing is the meat of the plot.

Much of the action takes place in a relatively deserted motel on the American side. Janet Leigh is Heston's just-married American bride who, quite incredibly, gets herself into taut situations just because the plot demands it. Hubby stashes her in that motel while he is busy; she is harassed there by his enemies. Leigh, here as always, is only an archetypal movie-star puppet. Heston's attempts to be a dashing young man were painful even when he was young. Akim Tamiroff does a re-run of his wily sleazeball, this time as the head of a Mexican drug gang. Dennis Weaver plays the motel manager, the kind of neurotic never seen anywhere except in thrillers looking for lurid characters. Joseph Calleia, as Welles's sidekick, carries his part like the load of lumber it is. And Marlene Dietrich, delphic in a dark wig, has a few scenes as a world-weary Mexican tart. Dietrich is not expected to be credible in the part, just to appear in it. She does.

All the characters are burdened with the portentous hollow dialogue familiar in thrillers, dialogue that gets quoted in articles about them, usually in italics. For instance, after Welles is killed (his body lies of course amidst garbage), Dietrich is asked what he was like, and she replies in much-quoted lines: "He was some kind of a man. What does it matter what you say about people?" For tinny wisdom, this is hard to beat.

Graham Greene, when he was a film critic, said that he disliked Hitchcock because "his films consist of a series of small 'amusing' melodramatic situations.... Very perfunctorily he builds up to these tricky situations ... and then drops them; they mean nothing; they lead to nothing." In terms of structure and resolution, this seems to me to apply to *Touch of Evil* even more than to Hitchcock. Further, Welles shoots almost everything from a strained bizarre angle. The lighting, by Russell Metty, is exaggeratedly *noir*. The film moves with a kind of rush, rather than rhythm. All of these points seem to me to underscore the contradictions between Welles's *New Statesman* letter and the facts of the matter.

But the crowning paradox is Welles's own performance. He is excellent. In the midst of the whirling pretentiousness, he is genuine. He creates a parochial god, sure of his parish and his parishioners, cunning, vicious, sad. It's almost like a secret diabolical joke: while everyone else (except Dietrich) is scratching furiously away, he is having a quiet triumph. •

Originalism for Liberals

BY CASS R. SUNSTEIN

The Bill of Rights
by Akhil Reed Amar

(Yale University Press, 412 pp., $30)

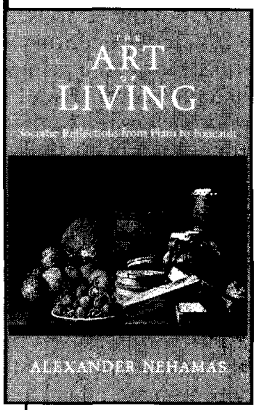
For the People
by Akhil Reed Amar and Alan Hirsch

(Free Press, 259 pp., $26)

A growing number of people think that the meaning of the Constitution should be settled by reference to the "original understanding" of those who enacted its provisions. This view first became popular in the writings of Robert Bork; and though the Senate rejected his nomination to the Supreme Court, Bork's enthusiasm for "originalism" is well-represented on that Court by Antonin Scalia and Clarence Thomas. Much of the attraction of originalism stems from the suggestion that the only realistic alternative to originalism is free-floating judicial creativity. If judges do not rely on the original understanding to anchor their decisions, won't they be free to do whatever they want? If judges abandon the original understanding, won't there be a serious problem of democratic legitimacy?

Thus posed, the questions are far too simple. Suppose that we agree to be "originalists." Hard questions still remain. The historical record is far from clear about issues small and large, such as whether the equal protection clause forbids school segregation and whether and how the First Amendment protects

"A brilliant and outstanding work."
—Mark Griffith coeditor of *Cabinet of the Muses*



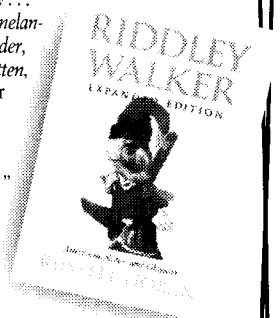
"Combining, as he does, philosophy, literature, and classical studies, Nehamas has written an exceptionally fine book."
— A.A. Long, author of *Hellenistic Philosophy*

THE ART OF LIVING
Socratic Reflections from Plato to Foucault
by ALEXANDER NEHAMAS

$29.95 at bookstores or order 1-800-822-6657
University of California Press
www.ucpress.edu

Now in a New Edition!
RIDDLEY WALKER
Expanded Edition with Afterword, Notes, and Glossary
RUSSELL HOBAN

"Extraordinary ... Suffused with melancholy and wonder, beautifully written, Riddley Walker *is a novel that people will be reading for a long, long time."* —Michael Dirda, *Washington Post Book World*



"Stunning, delicious, designed to prevent the modern reader from becoming stupid." —John Leonard, *The New York Times*
"This is what literature is meant to be." —Anthony Burgess

256 pages
paper $12.95 cloth $25.00

At bookstores
INDIANA UNIVERSITY PRESS
Orders: 1-800-842-6796
www.indiana.edu/~iupress

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

commercial speech or libel. The past can be varied and murky. In addition, originalists need to decide whether to understand constitutional provisions as setting out particular and concrete ideas or general and abstract principles. The history of the equal protection clause does not establish whether it is supposed to set out the late nineteenth century's particular judgments or instead a principle whose content changes over time.

The originalist approach to law cannot be justified by history; it is a prior philosophical commitment, and must be defended as such. And there is a further perplexity for originalism, which is how to apply, or to "translate," a constitutional provision when new circumstances arise. When the question involves the application of the First Amendment to the Internet, or the Fourth Amendment to electronic eavesdropping, no mechanical appeal to the past is available. Some kind of judgment is required.

Many historians believe that consistent originalists must reject well-established constitutional principles by, say, allowing the federal government to engage in invidious discrimination on the basis of race and sex. But the originalist method hardly eliminates the need for interpretive discretion. And those who reject originalism are also not committed to judicial creativity without limits. They agree that the text of the Constitution is binding; and they agree that history is important to consider, even if the Framers' concrete views do not bind. They generally find their own constraints in the Anglo-American system of case-by-case judgment: they give considerable weight to precedents, often more so than originalists, whose concerns lie in the Founders' judgments, not in previous judicial decisions.

Those who reject originalism have their own ways of promoting democratic goals. They may well adopt a presumption in favor of democracy, intervening only when it can be shown that there is some problem with the democratic process that gave rise to the law at issue (as in cases involving the right to vote). People who think this way will challenge originalists to explain why the originalist's approach to judicial review is more democratic, or better in any way, than the reasonable alternatives.

Justice Scalia is the most famous originalist; but in the law schools the most influential originalist may be Akhil Reed Amar, an ingenious and prolific scholar at Yale Law School. Describing himself as a "textualist" who is interested in history, Amar is methodologically quite close to Scalia. He is intensely interested in the text and in the historical record, and he is generally searching for the original meaning of contested terms. Amar wishes to know what the Constitution "really means," and he puts that question as if it were largely or entirely a matter of excavation.

Yet Amar's conclusions are usually different from Scalia's conclusions. Like the late Justice Hugo Black, Amar is generally a liberal originalist. He insists that a fair reading of text and history supports liberal, sometimes even radical, conclusions. Most importantly, Amar is a practicing originalist, an exponent rather than a defender of the method; he uses a particular method of interpretation, but he does not spend much time defending or explaining it. An examination of his new books—one of them long, fine, and serious, the other short, unfine, and thin—casts in sharp relief the attractions and the limitations of originalism in constitutional law.

Amar's longer volume offers the first (and likely the only) systematic study of the Bill of Rights in this century. Its most striking claim is that there is a sharp distinction between the original Bill of Rights and the more individualistic Rill of Rights that we have come to cherish. In his view, the latter is a product of the Civil War era, not a product of the Founding. The original Bill was designed mostly to protect democracy rather than individual liberty; it was focused on the workings of majoritarian government, not on the protection of unpopular minorities.

One of Amar's central arguments involves the notion of "the people," a term that appears in many parts of the Bill of Rights and that serves (in his view) as an explicit reference to the preamble's commitment to the sovereignty of "We the People of the United States." He thinks that the words "the people" announce collective self-rule as the overarching goal. Amar also underlines the important point that the Bill of Rights was not part of the original Constitution, that it was a "sop" given by the federalists to the antifederalists two years after the original ratification; and he insists that the Bill that emerged was as much about structure as it was about rights.

Consider the First Amendment through this lens. "Congress shall make no law ... abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." We tend to think that this is a prototypical safeguard of private rights. Amar disagrees. He argues that it is no accident that the provision is specifically aimed at Congress rather than at the national government as a whole. The point of the provision is to ensure that a self-interested Congress does not enact laws that entrench itself at the expense of popular majorities. This part of the First Amendment ensures that the people will be able to govern themselves; it is directed against a national legislature that might try to defeat the project of self-government.

So, too, with what Amar calls "the military amendments," which also have self-rule at their core. The most important of these is the Second Amendment: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." Now invoked as a safeguard of the private ownership of guns, the Second Amendment was originally a close cousin of the First, centrally concerned with protecting the democratic goals associated with both populism and federalism. Amar urges that the special concern of the Second Amendment is the potential abuse of power by the federal military. If "the people" are allowed to retain the capacity to bear arms, they will be in a position to protect themselves against an overbearing central government.

The right to keep and bear arms was centrally linked with the notion of popular sovereignty. So long as "the people" could be permitted to retain the power of force, and the national government could not eliminate that power, there would be a crucial check against an overreaching central government, determined to entrench itself at the expense of popular will. For Amar, the Second Amendment speaks in the same democratic terms as the First. "The Founders' motto, in effect, was that if arms were outlawed, only the central government would have arms."

Juries are a centerpiece of the Fifth, Sixth, and Seventh Amendments, and Amar places the much-maligned institution of the jury at the core of the Bill's concerns. He understands each of the jury amendments as attentive to the risk that government will act inconsistently with the will and the interests of "the people." The basic function of the jury is to operate as a kind of populist safeguard against governmental over-reaching—a seemingly platitudinous claim that, in Amar's hands, carries several striking implications.

Thus Amar argues that the prosecutor's current rubber-stamp, the grand jury, was originally designed to be far more active and aggressive than it is now, with the fundamental purpose of preventing unfounded or malicious prosecutions, especially by politically

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

motivated prosecutors. The jury itself was designed to safeguard the federal structure through its localist character, operating as a check on the national government. Amar goes so far as to suggest that, on the Founding view, a jury may well have the legal power to reject laws that it regards as unconstitutional. There is "strong plausibility" to the view that "a jury has a legal right—perhaps even the duty—to refuse to follow a law it deems unconstitutional." At the same time, the very institution of the jury would serve educational functions, helping to teach ordinary citizens about legal and political values.

These, then, are the basic building blocks for Amar's vision of the original Bill of Rights. Far from reflecting an effort to protect individuals against the over-reaching of the government, the Bill was intended to ensure that the national government would not override popular will—that "the people" would be able to engage in the process of self-government. This is the bill under which the nation lived for nearly eighty years.

Amar's emphasis on its populist and democratic features casts new light on the fact that when it was originally written, the Bill applied only against the national government, and not against the states. On Amar's account, this makes perfect sense. The whole point of the Bill was not to protect private rights as such, but to ensure popular sovereignty in the face of a threatening central government. In these circumstances, any risks from the states would be best handled at the state level, and not through federal constitutional law.

Amar thinks that the Founders' handiwork was dramatically altered by Reconstruction, which reflected a very different setting and created an entirely new conception of rights. Writing against the background of the institution of slavery, and acutely aware of the multiple invasions of private rights by state governments, the radical Republicans of the Civil War period were indeed interested in individual rights, in protection against government, rather than rule by "the people." While the Founding generation was most concerned with obstacles to self-rule, the Civil War generation was more attentive to the threats to liberty that come when ordinary citizens are not rights-bearers. It was through this different orientation that the Bill was ultimately "reconstructed."

Amar makes his argument mostly by revisiting the great debate over whether the Civil War Amendments "incorporate" the Bill of Rights. Does the Fourteenth Amendment, which is indeed directed against the states, apply the Bill of Rights to state governments? The disputed language is this: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law...." The big puzzle is whether anything in these words means that states must henceforth follow the Bill of Rights.

For several decades, the Supreme Court was split between those who urged "total" incorporation and those who argued for "selective" incorporation. Justice Black argued for total incorporation, suggesting, with a lengthy historical argument, that the Fourteenth Amendment was self-consciously designed to apply to the states all provisions of the Bill of Rights. Justice Frankfurter argued, by contrast, that the text and the history of the Fourteenth Amendment did not support this conclusion, and that only the most "fundamental rights" in the bill should be incorporated—meaning that the Court would assess, on a case-by-case basis, which provisions qualified as such. Ultimately, Justice Brennan led the Court to accept Justice Frankfurter's theory while using it to reach almost all of Justice Black's preferred results. Thus nearly all of the key provi-

OUTSTANDING SCHOLARSHIP

Civility and Subversion
The Intellectual in Democratic Society
Jeffrey C. Goldfarb
This book provides a new account of the role of the intellectual in democracy. Arguing that society suffers from a systemic deliberation deficit, Jeffrey Goldfarb explores the potential of the intellectual as democratic agent, civilizing political contestation and subverting complacent consensus. Intellectuals are special kinds of "strangers" who pay careful attention to their critical faculties and are uniquely equipped to address the most pressing issues of today. A diverse set of intellectuals in action are analyzed, from Socrates to Central European political dissidents, from Malcolm X to Toni Morrison.
0-521-62220-4 Hardback about $59.95
0-521-62723-0 Paperback about $22.95

To Profit or Not to Profit
The Commercial Transformation of the Nonprofit Sector
Burton A. Weisbrod, *Editor*
"Nonprofits are increasingly becoming competitors and collaborators with private firms and government agencies. In this useful book Burton Weisbrod has brought together important original research that helps us define and understand these important new relationships."
— **Susan Rose-Ackerman,** ***Yale Law School***
Contributors: *Burton A. Weisbrod, Helmut K. Anheier, Louis Cain, Joseph J. Cordes, John H. Goddeeris, Estelle James, Craig L. LaMay, Dennis Meritt, Jr., Jason Owen-Smith, Walter W. Powell, Lewis M. Segal, Frank A. Sloan, Richard Steinberg, Stefan Toepler, Howard P. Tuckman, Dennis R. Young*
0-521-63180-7 Hardback $69.95

Available in bookstores or from
CAMBRIDGE UNIVERSITY PRESS
40 West 20th St., N.Y., NY 10011-4211.
Call toll-free 800-872-7423.
Web site: http://www.cup.org
MasterCard/VISA accepted.
Prices subject to change.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sions of the Bill do apply to the states; the exceptions are the right to keep and bear arms, the right against quartering soldiers, and the rights to grand and civil juries.

As a practical matter, the issues are pretty well resolved. But many observers think that, purely as a matter of text and history, "no incorporation" would be more sound than either selective or total incorporation. Amar offers an original and quite subtle argument in favor of "refined incorporation." His initial suggestion is that, broadly speaking, the Fourteenth Amendment does indeed incorporate the Bill. His textual argument is based on the phrase, "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." In his view, "the privileges or immunities of citizens of the United States" include the provisions of the bill of rights. He supports this conclusion through a detailed treatment of the relevant debates, and in particular the speeches in 1866 and 1867 of John Bingham, the main author of the provision and the leading figure in the House, and Jacob Howard, the leading figure in the Senate.

But Amar does not think that the "total" incorporation view is quite right. For the Civil War generation, the "privileges and immunities" included private rights, not collective rights. To figure out which provisions of the Bill are incorporated, it is therefore necessary to ask whether a right "is a personal privilege—that is, a private right—of individual citizens, rather than a right of states or the public at large." The interpretive task, in his view, is to synthesize the interest of the 1860s in private rights with the interest of the 1790s in rights having structural goals. Thus it must be asked whether an alleged right is one "vested in discrete individuals." The larger point is that, to the extent that the Fourteenth Amendment applies the Bill of Rights to the states, it does so by means of a set of understandings that vary a great deal from those that underlay the original Bill. The new understandings see rights as individual and private; and so it is necessary to excavate the pre-Civil War history to appreciate which rights were so conceived.

Here, in brief, are some of Amar's most important conclusions. The First Amendment was well-understood, by the Reconstruction Republicans, to include a private right to freedom of speech. This is obviously true also of the Fifth Amendment right to just compensation whenever the government takes your property. Thus both free speech and the right against uncompensated takings apply against the states. So, too, with the right to keep and bear arms, though here the story is more interesting and more complicated.

At the founding, writes Amar, this right "stood shoulder to shoulder with the right to vote"; it was an emphatically political right, "collective, exercised in a well-regulated military embodying a

After Auschwitz

We'd wanted to make France
but by dusk we knew we wouldn't,
so in a Bavarian town
just off the autobahn,
we found a room, checked in,
and went out to look around.

The place was charming: hushed,
narrow, lamp-lit streets,
half-timbered houses,
a dark-stoned church,
and medieval bridges
over a murmuring river.

I didn't sleep well, though,
and in the morning, early,
I took another stroll
and was surprised to realize
that all of it, houses,
bridges, all except

as far as I could tell
the sleeping church, were deft
replicas of what
they must have been before
the war, before the allied
bombers flattened them.

At Auschwitz, there was nothing
I hadn't imagined beforehand.
I'd been through it in my mind
so much, so often, I felt
only unutterably weary.
All that shocked me was

to find the barracks and bleak
paths unoccupied,
and the gas and torture chambers,
and the crematoria;
so many silent spaces,
bereft, like schools in summer.

Now, in a pleasant square,
I came on a morning market:
farmers, tents and trucks,
much produce, flowers,
the people prosperous,
genial, ruddy, chatty,

and it was then there rose
before me again the barbed-
wire and the bales of hair,
the laboratories and
the frozen ash. I thought
of Primo Levi, reciting

Dante to the all but dead,
then, I don't know why,
of the Jewish woman, Masha,
of whom Levi tells
how, when she'd escaped,
been informed on, caught,

and now was to be hanged
before the other prisoners,
someone called out to her,
"Masha, are you all right?"
and she'd answered, answered,
answered,
"I'm always all right."

So I had to know again
that these things really happened,
that those echoing huts
were real, the suffering
had been real, and the malice:
the human race in shame.

A village like a stage-set,
a day's drive back
that other place which always
now everywhere on earth
will be the other place
from where one finds oneself.

Not risen from its ruins,
but caught in them forever,
it demands of us how
to situate this so
it doesn't sunder us
between forgivenesses

we have no right to grant,
and a reticence
perhaps malignant, heard
by nothing that exists,
yet which endures, a scar,
a broken cry, within.

C. K. Williams

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

right of the people, collectively understood." By the 1860s, however, the vision was "private, with individual freedmen keeping guns at home to ward off Klansmen and other ruffians." Thus "between 1775 and 1866 the poster boy of arms morphed from the Concord minuteman to the Carolina freedman." The key to the Second Amendment lies in this particular history, which does indeed justify finding a private right to bear arms. "Today's NRA pays far too much attention to 1775-91 and far too little to 1830-68."

What about religious liberty? Amar argues that the authors of the Fourteenth Amendment believed in an individual right to be free from any law that favored one sect over another—hence the free exercise and establishment clauses, which prohibit the states from engaging in religious favoritism. And the various jury trial rights, seen through the lens of the movement for racial equality, were newly individual as well. "Whereas the Founders emphasized Americans' rights to participate in government by serving in juries, Reconstructors emphasized the right to be tried by juries. Yet again, we see a Founding 'political' right mutating ... into a Reconstruction 'civil' right."

The upshot of all this is to reaffirm much of the conventional wisdom—that the central provisions of the Bill of Rights apply to the states—but on entirely new grounds. Amar's conclusion is thus that the 1860s marked a "new birth of freedom," not least because it gave rise to the very term "bill of rights." Above all, he calls into doubt the stock story which focuses on the Founding at the expense of "all the ways in which the Reconstruction generation—not their Founding fathers or grandfathers—took a crumbling and somewhat obscure edifice, placed it on new, high ground, and remade it so that it truly would stand as a temple of liberty and justice for all." Amar's ultimate complaint is that we have exaggerated the importance of the Founding and diminished the revisionary authority of the Civil War amendments, in a reflection "of a kind of curiously selective ancestor worship—one that gives too much credit to James Madison and not enough to John Bingham, that celebrates Thomas Jefferson and Patrick Henry but slights Harriet Beecher Stowe and Frederick Douglass."

There are many virtues to this account. Amar is correct to say that many of the original rights were designed to ensure popular control of government, not to protect individuals as such. And a large advantage of this claim is that it tends to dissolve the frequent opposition between "democracy" and "constitutionalism": far from operating as a check on democracy, constitutionalism can guarantee the preconditions of democracy. Amar is also right to emphasize the dynamic nature of American constitutionalism. Americans tend to attribute their rights to the genius of the Founding Fathers, as if those rights sprung full-born from the preternatural, meta-historical minds of Madison and Hamilton; but constitutional rights, as we now understand and live them, owe a great deal to subsequent developments, both political and judicial. The Civil War was indeed a watershed.

And yet there are problems. Amar presents the Founders as enthusiastic populists, but in fact they were highly ambivalent about "the people." Much of their writing reflected profound skepticism about the "passions" and the factionalism of populist politics. The institutions that they designed were self-consciously republican rather than democratic, and this design was owed not least to the Framers' perception that officials operating above the fray would be better able to deliberate and to discern the public interest.

Checks and balances, national representation, and federalism were all designed as safeguards against direct democracy—that is to say, against the excesses of populism. Amar's emphasis on how the Bill of Rights enshrines democratic principles helps to correct an imbalance in the received wisdom; but he seems to be projecting his own populist sentiments onto the past.

In many cases, moreover, Amar does not sufficiently acknowledge the existence of competing historical strands, of uncertainty, of vagueness—in other words, the often disorderly and unruly nature of constitution-making and of the Founders' own understandings. Consider again the issue of incorporation. Amar has shown that the text and the history make his "refined incorporation" model a perfectly reasonable reading. But what does it mean to say that this is the best of all possible readings? For a start, there are obvious textual problems. If the authors of the Fourteenth Amendment wanted to apply the Bill of Rights to the states, surely there were more straightforward and unambiguous ways of doing so. Well before the ratification of the Fourteenth Amendment, the Constitution contained another privileges and immunities clause, in Article IV; this provision prevents states from denying "privileges and immunities" to citizens of other states. Everyone agrees that the "privi-

POLITICS

LISTENING TO THE SEA
The Politics of Improving Environmental Protection
ROBERT J. WILDER
"*Listening to the Sea* is that rarest of books: an insightful, meticulous, up-to-date examination of a crucial topic that is very clearly written.... In the two decades since I began marine conservation, I haven't seen a marine policy book so sane, so compelling."
—*Elliott A. Norse, President, Marine Conservation Biology Institute*
cloth $45.00/paper $19.95

UNIVERSITY OF

LICENSED TO KILL?
The Nuclear Regulatory Commission and the Shoreham Power Plant
JOAN ARON
Foreword by E. Leo Slaggie
"The author presents a forceful narrative about one of the ranking technology/policy fiascoes of our time: the tortuous efforts to construct and activate the Shoreham, Long Island, nuclear power plant.... Readers will shudder about the colossal policy misjudgments that went into the Shoreham nuclear power project. But the book also provides prescriptions to prevent a similar mess from happening again. It should be required reading for government and company officials who have anything to do with technology involving large-scale risk."
—*Leonard A. Cole*
cloth $45.00/paper $18.95

PITTSBURGH

THE LEFT'S DIRTY JOB
The Politics of Industrial Restructuring in France and Spain
W. RAND SMITH
Industrial restructuring with its emphasis on market-adapting measures has eliminated thousands of jobs in numerous developed countries. Do socialist governments, specifically those of François Mitterrand and Felipe González, offer an alternative, leftist approach? "Smith gives us the first comprehensive comparative assessment of the French and Spanish cases, which have begged for comparison.... very impressive."
—*John T. S. Keeler*
cloth $50.00/paper $22.95

PRESS

CUP Services, Box 6525, Ithaca NY 14851
607-277-2211/fax 607-277-6292
Write for a catalog of our political science titles or visit our website at www.pitt.edu/~press.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

leges and immunities" referred to here do not mean the Bill of Rights, but instead the most fundamental interests protected at common law. And in using the term "privileges or immunities" while debating the Fourteenth Amendment, many people referred to Article IV's privileges and immunities clause. Doesn't it seem odd to say that the Fourteenth Amendment's new privileges or immunities clause means something completely different from the old privileges and immunities clause of Article IV?

Amar's account faces an even more serious obstacle. Right after the privileges or immunities clause, the Fourteenth Amendment adds a semicolon, and then proceeds to say, "nor shall any State deprive any person of life, liberty, or property, without due process of law." Of course the due process clause was a part of the original Bill of Rights, applicable to the national government. So the question arises: doesn't Amar's reading make the due process clause a redundancy? How can the privileges or immunities clause possibly be read to include the Bill of Rights—if the very next sentence in the Fourteenth Amendment explicitly makes the Bill's due process clause applicable to the states? Why would the Framers bother to add a due process clause, and to apply it to the states, if the privileges or immunities are already included in the Bill of Rights?

Amar has a clever answer to these questions. Unlike the privileges and immunities of Article IV, which are those of citizens of individual states, the Fourteenth Amendment's privileges and immunities are those of "citizens of the United States"; it is these latter "privileges or immunities" that include the Bill of Rights. This point explains why the two clauses are different, and also why the due process clause is no redundancy—since (and here Amar finds a rabbit to pull out of his hat) it applies not just to citizens, but to "any person," that is, to non-citizens like everyone else. The due process clause gives non-citizens as well as citizens the right not to be locked up without a trial.

This clever answer makes Amar's interpretation plausible rather than implausible as a textual matter. But let us stand back for a moment. What kind of game is this? Does Amar really mean to urge that all or most of the people who ratified the Fourteenth Amendment understood these extremely complicated and technical points? Does he even mean to suggest that Howard and Bingham understood them? Amar marshals a good deal of helpful history; but he finds no one who explicitly understands all this the way that he does.

The most sensible conclusion is that many framers and ratifiers had many different understandings, and that no single or simple view can be found in history. And the same is true with respect to more particular rights. We have little direct evidence about how the Reconstruction Republicans understood any constitutional right to keep and bear arms (if they thought there was such a thing, which is also unclear). Lacking direct evidence, Amar relies instead on a kind of period mood, one that sees this right as important to individual liberty. But there is all the difference in the world between a general mood and a particular interpretation of a legal text. Too often Amar proceeds as if he can deduce the latter from the former.

These points raise larger issues of interpretative method, which are best discussed in conjunction with *For the People*, which Amar has written with Alan Hirsch. This short book is coarser and less closely argued than *The Bill of Rights*; it also carries Amar's populist themes much further, sometimes in bizarre directions.

Amar and Hirsch have two purposes. The first is to provide a kind of primer about constitutional law. The second is to revise, often radically, current understandings of the Constitution, understandings that are shared by judges and the public alike. But the radical conclusions make this more a manifesto than a primer—a manifesto that purports to be grounded in what the Constitution "really says."

According to Amar and Hirsch, the Constitution "is one of the most democratic documents in human history." They also believe that we have lost sight of "the grand democratic design of this great democratic document." Thus they distinguish between what they call the Conventional Constitution (what most people believe the Constitution to mean) and the Framers' Constitution, which is far more glorious.

For Amar and Hirsch, the central constitutional ideal is the ideal of citizenship, which generates four "boxes" of rights. The first three are the ballot box, the jury box, and the cartridge box, stemming from citizens' three central responsibilities: to participate in the polls, to serve on juries, and to participate in the project of self-defense. To these boxes the authors add (somewhat more tentatively) the lunch box, which includes a right to have both property (that is, minimal welfare guarantees of some kind) and a reasonable level of education.

Amar's and Hirsch's understanding of the four "boxes" is idiosyncratic. Most strikingly, they believe that the Constitution can be amended by simple majority vote. If we would like to have an Equal Rights Amendment, a balanced budget amendment, or a flag-burning amendment, a majority of the citizenry can so decide without going through the complex procedures set out by Article V of the Constitution. To put it mildly, this view would call for an enormous revision in constitutional practice. And this is just a start. Amar and Hirsch also suggest that juries can "strike down" laws of which they disapprove; that peremptory challenges are unconstitutional; that the military must allow women in combat and gays and lesbians in the military; that the Constitution may well give a right to both education and welfare.

Amar and Hirsch always offer textual, structural, or historical arguments for these conclusions, but the arguments are sometimes paltry and unconvincing. Thus the proposition that a majority can amend the Constitution—a centerpiece of the claim that the Constitution is radically democratic—faces a significant textual obstacle. Article V specifies the means by which the Constitution can be amended: a proposal by two-thirds of both houses, or an application of two-thirds of the states, followed by ratification by the legislatures or conventions of three-fourths of the states. To modern readers, this article appears plainly exclusive. If the Constitution could be amended by majority vote (and a right to amend in this way is not in the Constitution's text), what is the point of Article V?

Amar and Hirsch offer several defenses. They note that Article V does not explicitly, in so many words, say that it is exclusive; that the Framers themselves did not follow the cumbersome amendment procedures of the Articles of Confederation; and that in the process of failing to follow those rules, some of the founders, including James Madison, suggested that "first principles" give a sovereign people the right to abandon a form of government when they wish. Now, obviously the Framers did not mean to deny the right of revolution; but the far simpler inference from text, structure, and history is that Article V specifies the procedures by which any amendments must be ratified, an inference fortified by the fact that much writing in the Founding period suggests an unambiguous suspicion of transient majority will.

Or consider the lunch box. Amar and Hirsch say, correctly, that the Constitu-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tion is rooted in a conception of popular sovereignty. And they ask, "Does not the principle of rule by the People entail realization of the conditions necessary to make such rule possible?" The problem is that "people lacking the means of subsistence must devote all of their resources to physical survival," and hence "they lack the time, energy, and even will to vote, fight, or judge." Amar and Hirsch go so far as to gesture toward the (historically implausible) idea that the original Constitution guaranteed a right to minimal income, by guaranteeing a republican form of government; but they rely mostly on the Thirteenth Amendment, abolishing slavery and involuntary servitude. "We need to ask exactly what it means to prohibit slavery.... Unless we interpret the amendment to guarantee each American a certain stake in society, have we really set all of our people free?"

But what kind of argument is this? The Thirteenth Amendment banishes slavery and involuntary servitude, and this ban, taken as a matter of text and history, hardly need be read to contain a right to minimum entitlements. It is reasonable, of course, to think that people are in some sense "slaves" if they are destitute; but that is metaphorical slavery, not real slavery, and anyway that thought does not entail the view that the Thirteenth Amendment requires a minimal income guarantee. That view may be a plausible interpretation, but any such interpretation cannot be purely textual or historical; it involves something other than a language lesson, or a close reading of primary materials.

A tempting conclusion would be that Amar and Hirsch speak in the Constitution's name but really in their own voices; that a substantial part of what they are expounding is their own politics; that they have not taken text, structure, and history seriously enough. Yet I think that the more fundamental problems lie elsewhere. Of course there is a text, a structure, and a history, and a legitimate interpreter must pay attention to all these; but text, structure, and history do not speak for themselves. Any view about how to treat them must be defended, not simply found.

If Amar and Hirsch resolve uncertainties in their own preferred way, it is not because they are unfaithful to the legal sources. It is because there is really no other way for any interpreter to proceed. How can uncertainties possibly be resolved, except by reference to the interpreter's preferred approach to interpretation? This is no less true of justices in the Supreme Court than of professors in law schools—not, it bears repeating, because they are lawless, or unfaithful to their own method, but because uncertainties are inevitable, and they must be resolved. The difficulties arise when the central judgments—in favor of one method rather than another, in favor of one or another way of resolving the uncertain issues that arise within any method—are not defended or disclosed.

To be sure, it is possible to reject originalism as an appropriate approach to constitutional interpretation while at the same time learning a great deal from textual and historical analysis. In this regard, *For the People* has several real virtues, including an instructive emphasis on overlooked democratic features of the constitutional design. And *The Bill of Rights*, a far better book, offers a number of striking arguments and claims, many of them original and convincing. Yet Amar's virtues are accompanied by a vice: he tends to proceed as if his conclusions are an inevitable consequence of a careful reading of text, structure, and history, and as if those who disagree are mostly disagreeing about these things—as if text, structure, and history are the only game in town, and those who do not play that game are not doing law at all.

Amar does not show whether and exactly in what sense constitutional interpreters should attempt to be "originalists." *The Bill of Rights* is especially valuable as an exercise in intellectual history; but the question is how well we can solve current problems in this way. In most serious constitutional disputes, the original sources leave gaps and uncertainties, and the outcome depends on policies or principles that should not be inconsistent with those sources but cannot be found there. It is important to be candid about those policies or principles—whether they turn out to be a commitment to precedent, a principle of judicial restraint, a background rule in favor of federalism, or a certain conception of equality or dignity. No less than the conservative originalist, the liberal originalist does not avoid the most serious problem with all who claim to have a fix on what the Constitution "really means," which is their unfortunate habit of invoking the text and the history of the Constitution when their own judgments and their own preferences are playing an inevitable role.

CASS R. SUNSTEIN's new book, *One Case at a Time: Judicial Minimalism on the Supreme Court*, will be published next year by Harvard University Press.

EXTENDED THRU JANUARY 3
UTA HAGEN IN
COLLECTED STORIES
"DROP EVERYTHING AND SEE IT!"
–David Patrick Stearns, USA Today
"IT'S IMPOSSIBLE NOT TO BE MOVED!"
–Ben Brantley, The New York Times
LUCILLE LORTEL THEATRE · 121 CHRISTOPHER ST
CALL TELE-CHARGE (212) 239-6200

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Sublime and the Ridiculous

BY ADAM KIRSCH

Wakefulness by John Ashbery

(Farrar, Straus and Giroux, 80 pp., $20)

The Mooring of Starting Out: The First Five Books of Poetry by John Ashbery

(Ecco, 389 pp., $25)

I.

John Ashbery, like God, is most easily defined by negatives. His poems have no plot, narrative, or situation; no consistent emotional register or tone; no sustained mood or definite theme. They do not even have meaningful titles. So complete is Ashbery's abandonment of most of what we come to poetry for that his achievement seems, on first acquaintance, as though it must be similarly complete: a radical new extension of poetry's means and powers, or an audacious and wildly successful hoax.

By now, however, Ashbery has been writing long enough, and enough readers and writers have come to maturity assuming his achievement, that our response to him need no longer be so nervously total. It is also no longer necessary to describe his poems mainly as what they are not. To be sure, it is important not to ignore the radicalism in his work, the avant-gardism that takes its inspiration from Dada and Surrealism (and continues into *Wakefulness*, his new collection). This is the element that defines his voice, and makes it instantly recognizable. Yet it is also true that Ashbery is part of a tradition: he is a late Romantic poet, the heir of Stevens and Eliot. His best poems deal with traditional Romantic themes, most importantly the powers and the limits of the imagination. These elements, of innovation and tradition, are the constitutive ones for Ashbery's poetry; and our response to it must be a response to both of them.

How one feels about Ashbery's playful nonsense is perhaps a matter of taste. There are certainly many critics who seem to enjoy it, while fully admitting their incomprehension. One cannot help but feel, in such a situation, the working of what might be called the Hanslick Syndrome. Eduard Hanslick was the music critic who notoriously dismissed Wagner, and was baffled by much of Brahms. (After hearing Brahms and a friend play the Fourth Symphony at two pianos, he said plaintively, "All through I felt I was being thrashed by two terribly clever men.") Critics in this experimental century have had a terror of being the Hanslick of their day, dismissing a masterpiece out of dogmatism or insensitivity, and thus being made a fool for posterity. And so, to compensate for this fear of not being sympathetic enough, a reverse phenomenon has set in, whereby critics are sometimes too sympathetic, and will gladly follow an artist out to the periphery of their comprehension, stifling any still, small voice that may nag at them.

How else to explain the near-unanimous critical acclaim for a poet whose poems are often, in great part, deliberately empty? Consider "Daffy Duck in Hollywood":

> Something strange is creeping across me.
> La Celestina has only to warble the first
> few bars
> Of "I Thought about You" or something
> mellow from
> *Amadigi di Gaula* for everything—
> a mint-condition can
> Of Rumford's Baking Powder, a celluloid
> earring, Speedy
> Gonzales, the latest from Helen Topping
> Miller's fertile
> Escritoire, a sheaf of suggestive pix on
> greige, deckle-edged
> Stock—to come clattering through the
> rainbow trellis
> Where Pistachio Avenue rams the
> 2300 block of Highland
> Fling Terrace.

This is a fine example of Ashbery's casual, colloquial, gaudily humorous nonsense (the vein that James Tate is now mining). But there is also, particularly in the early books, a less amiable and more abrasive Ashbery, who writes in a taxing Dadaist vein, as in "Europe" (from *The Tennis Court Oath*, which is now available in the handsome gathering of Ashbery's first five books, *The Mooring of Starting Out*):

> 1.
> To employ her
> construction ball
> Morning fed on the
> light blue wood
> of the mouth
> cannot understand
> feels deeply)
>
> 2.
> A wave of nausea—
> numerals
>
> 3.
> a few berries

To read this kind of thing can be intermittently pleasant; to read it at great length, as one is generally made to do in any volume of Ashbery's, is mildly masochistic. Of course, such writing has the aura of resistance and transgression, and so it seems to go well with other sorts of contemporary radicalism. To make words work against themselves as Ashbery does is, in a way, to strike a great blow against the transcendental signifier, against the stabilities of meaning that are the object of present-day critical assault. Which is not to say that this is Ashbery's reason for his style: it is clear that he takes his role as an artist seriously, and it is the goal of the artist to convey meaning, even if indirectly.

But Ashbery's nonsense can be challenged on grounds more substantial than just a preference for sense. In fact, the carping, handwringing defense of "meaning" that is often heard from conservative critics and teachers mostly backfires: by casting one's critical principles in such apocalyptic terms, as an inheritance to be defended against barbarians, one only confirms the barbarians' sense of their own power to destroy and to provoke. There is a stronger case to be made against certain prevailing notions of poetic "freedom," and Ashbery's poetry is a fine occasion to make it. For Ashbery proves, better than any other poet, that a certain style of "difficulty" is not at all as difficult as it may seem.

At first sight, it seems that a powerful gift is required to evade the snares of logic and meaning, to use words the way abstractionists in the visual arts use lines and colors: not to build up an image, but as gestures, connotations, motions

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in their own right. But the fact that large swaths of Ashbery actually repel interest and thwart attention leads us to the opposite conclusion. Difficulty is only possible within a system of conventions, including the convention of meaning. It is by evading and complicating rules that a poet demonstrates skill, and we are naturally attracted to displays of skill, in poetry as in music or athletics. When a poet leaves conventions behind (which is not the same thing as playing with them or transcending them), a vast territory of verbiage is opened up, and he can journey anywhere.

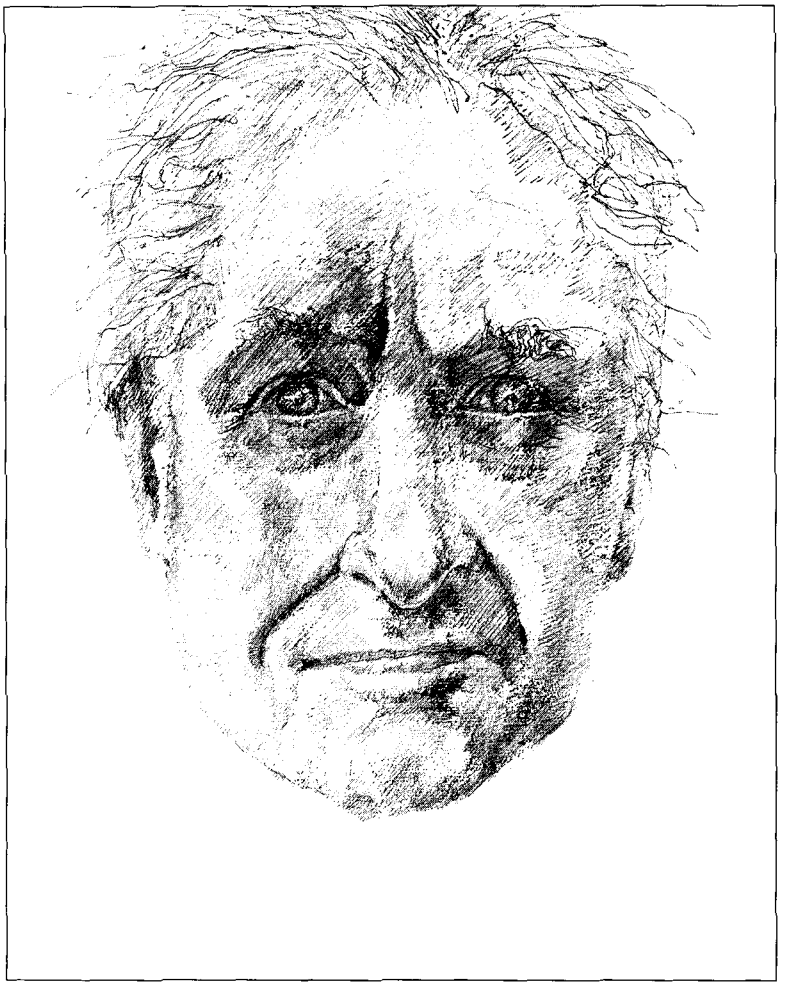
Thus, for example, these lines, from Ashbery's book-length poem *Flow Chart*:

> Only that one told me a
> new-laid owl's egg
> is sovereign
> against the gripes, and
> now I find you here too.
> I have found you out.
> You seem
> convinced the killer is
> one of us. Why? Did
> a drowned virgin
> tell you that, or Tim the
> ostler, or the one-eyed
> hay-baler
> with a hook for a hand?

This is not nonsense as a computer spewing out words is nonsense; it is, rather, an evasion of sense. Each phrase and line has a certain weight and atmosphere, though we might be hard put to say what it is. Yet there is something unimpressive about it. It is too easy; too much is permitted; it is evidence of a skill that is finally uninteresting. For the communication of meaning is, along with the manipulation of form, one of the natural bounds of poetry. It is in the negotiation of these two demands, meaning and form, sense and rhythm, that poetry's beauty is created. The need to communicate, the pressure of urgent speech, is what drives a poem forward into the open region of art, even when the difficulty of communication makes it dilate and digress; and without that forward pressure poetry becomes a private language, however artful. (To measure the difference between mere obscurity and real difficulty, compare the above passage to even the most opaque five lines in Robert Lowell.)

Ashbery's style is not exactly private, in the sense that he is using words and symbols without sufficiently illuminating them. One feels that, even to the poet, the above passage can have no more significance than as a bit of high-spirited linguistic play. Still, Ashbery allows communication to retreat too often into the background, giving long passages of his work the air of self-indulgence. And his prolixity—*Wakefulness* is his seventeenth book of poetry, and his third in the last five years—seems to bear this out. He writes in a style that allows him to turn on the flow of words much more easily than most poets. Ashbery's verse seems less like an eruption of necessary speech than an adjustment of the poet's mind to a certain frequency, which is then allowed to vibrate, sometimes within constraints (as in his series of quatrains in *Shadow Train*), more often in loose-limbed free verse or even prose.

The choice against nonsense, then, is analogous to several other choices: against free verse and formlessness, but also against sentimentality, ordinariness, triteness. All of these are ways of increasing the poet's leeway; but the best poets want as little leeway as possible, so that their skill can shine forth more clearly. Of course, there is no overriding imperative that a poem make sense, or be written in any particular form. But interest and satisfaction, in art as in life, require the embrace of purposes and requirements that come to us from outside ourselves, which we agree to honor even though they are not forced upon us. Art is the epitome of this mixing of freedom and necessity; and Ashbery's refusal to dispense with nonsense is, on this view, a genuine artistic flaw.



JOHN ASHBERY BY DAVID SCHORR FOR THE NEW REPUBLIC

II.

And yet this cannot be one's final judgment on Ashbery. For his nonsense is only one strand in his work; and the other strand, the traditional Romantic one, is more demanding and more affecting. This other strand explains why Harold Bloom has taken up Ashbery, vocally and insistently, as the worthiest successor to Bloom's royal line of Stevens, Whitman, and Emerson. (Eliot, too, is an important influence, especially the discursive, long-lined verse of *Four Quartets*, which echoes frequently through Ashbery's middle period; but Bloom's peculiar loathing of Eliot causes him to be excised from the Ashbery lineage, the way deviationists were excised from Soviet encyclopedias.)

When considering the Romantic achievement of Ashbery, one is forced to look not at whole books or poems, but at passages and excerpts, often no more than ten lines long. Indeed, a brief survey of the critical literature on Ashbery shows that few passages longer than that are ever quoted, for the simple reason that Ashbery's method is to drift in and out of focus, never giving us "content" or "ideas" for very long. His best poems, to my taste, are the ones where more meaning is discernible, especially in *The Double Dream of Spring* (1970), *Self-Portrait in a Convex Mirror* (1975), and the title poem of *A Wave* (1984).

Take, for instance, an unusually lucid poem, "Grand Galop," from *Self-Portrait*. In one passage near the beginning,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Ashbery is writing in a slightly deflected style, where meaning is obscured but not obliterated:

> Only waiting, the waiting: what fills up
> the time between?
> It is another kind of wait, waiting for
> the wait to be ended.
> Nothing takes up its fair share of time,
> The wait is built into the things just coming
> into their own.
> Nothing is partially incomplete,
> but the wait
> Invests everything like a climate.
> What time of day is it?
> Does anything matter?
> Yes, for you must wait to see
> what it is really like,
> This event rounding the corner
> Which will be unlike anything else
> and really
> Cause no surprise: it's too ample.

The motto to this passage could be "Ridiculous the waste sad time/Stretching before and after"; and indeed the rhythms and repetitions recall *Four Quartets*:

> I said to my soul, be still, and wait
> without hope
> For hope would be hope for the
> wrong thing; wait without love
> For love would be love of the wrong thing;
> there is yet faith
> But the faith and the love and the hope
> are all in the waiting.
> Wait without thought, for you are not
> ready for thought.

Ashbery is darker, more secular, more casual than Eliot; but his genealogy is clear.

The "Grand Galop" passage is also intriguing because it has something like a paraphrasable content. It is a true Romantic expression of the longing for transformation, for an inexpressible wholeness, that is inevitably disappointed by time. There is a declaration of faith in meaning, nicely expressed in the double negative "Nothing is partially incomplete": that is to say, everything is really complete, if we could only see it properly. Yet this is impossible, since we are bound to the dimension of time, which entails the "wait" that "invests everything like a climate." And there is, further, the fear that our comprehension will be inadequate to the vision when it comes: it "will be unlike anything else," and yet "really cause no surprise: it's too ample."

To see Ashbery's whole method at work, however, we must look at what follows this passage:

> Water
> Drops from an air conditioner
> On those who pass underneath.
> It's one of the sights of our town.
> Puaagh. Vomit. Puaaaaagh. More vomit.

And what precedes it:

> And today is Monday. Today's lunch is:
> Spanish omelet, lettuce and
> tomato salad,
> Jello, milk and cookies. Tomorrow's:
> sloppy joe on bun,
> Scalloped corn, stewed tomatoes,
> rice pudding and milk.

It is hard to know how this should be taken. Is it a high-spirited kick to the shins of logic, or veiled metaphor, or just banter? All of these are probably true to some extent; but Ashbery's refusal to follow a train of thought for very long also has another, more distinctly poetic purpose. It is a way of indicating, of imitating, the poet's sense of the constant flux of thought. Large amounts of junk flow through the mind, Ashbery seems to say. The mind is inconstant, reactive, essentially variable. The sensation of lucidity, the high moment, is infrequent and fleeting.

Of course, the privilege of lyric poetry has always been the assumption that the junk is excluded from the frame of the poem, that the poet is allowed a high style because his province is the significant moment. But for Ashbery—and in this sense the postmodern label is appropriate for him—this assumption must be made problematic. The transient nature of poetic truth must be acknowledged within the poem itself, if its utterance is to seem authentic.

We can take the measure of Ashbery's innovation by comparing him with one of his Romantic ancestors. In *The Prelude*, Wordsworth describes the work of thought and memory with a water metaphor:

> As one who hangs down-bending from
> the side
> Of a slow-moving boat, upon the breast
> Of a still water, solacing himself
> With such discoveries as his eye can make
> Beneath him in the bottom of the deep
> Sees many beauteous sights—weeds,
> fishes, flowers,
> Grots, pebbles, roots of trees, and
> fancies more,
> Yet often is perplexed, and cannot part
> The shadow from the substance....
> Such pleasant office have we long pursued
> Incumbent o'er the surface of past time....

If Wordsworth remains "incumbent o'er the surface" of things, Ashbery's technique is rather to jump into the pond, so that vision is distorted by the bends of light and the clouds of dust. Just as, underwater, forms swim in and out of focus, so, in Ashbery's verse, ideas and moods materialize and then are lost. His swerves of tone and subject are an attempt at a closer mimesis of how the mind works. Or else, to use a water metaphor beloved of Ashbery, consciousness is like a wave: things approach, become visible, and then crash into a scattering of foam.

This way of thinking about consciousness is entirely appropriate to Ashbery's Romantic inheritance. The momentary and the fragmentary have been poetry's province since Wordsworth's "spots of time"; the dissatisfaction with the ordinary breeds a focus on the extraordinary, which is necessarily fleeting. This alliance of metaphor and idea is especially evident in "A Wave":

> The cimmerian moment in which all lives,
> all destinies
> And incompleted destinies were swamped
> As though by a giant wave that picks
> itself up
> Out of a calm sea and retreats again
> into nowhere
> Once its damage is done.

"Damage" is a particularly fine ambiguity, for what Ashbery is describing is not damage but completion, the evanescent dream of wholeness that characterizes the Romantic mind. It becomes damage only because the wave then retreats, leaving us beached and alone.

Such moments are everywhere in Ashbery's middle period, and they are, I think, the basis on which his poetry will stand or fall. In these passages, Ashbery's vast tracts of indirection make the moments of directness seem all the more startling and true. This is the method of *Four Quartets*: it is not enough to state the "point" or the theme, it must be arrived at through a process, so that the process may be revealed as an integral part of the "point" itself. And to suggest that Ashbery recalls the emotional atmosphere of Eliot's great poem is high praise.

III.

Yet there is a problem with this sort of Romanticism as a basis for poetry, and Ashbery's own poetry demonstrates it very well. To elucidate it, we must turn back to the beginning of the Romantic tradition. Poets since Wordsworth have put great stock in the imagination, in its ability to transform the ordinary. For Wordsworth himself, the imagination and Nature worked in partnership to open the human mind to the sublime and the beautiful; his famous formulation in "Tintern Abbey" describes the beauty of nature as "both what [we] half create/and what perceive." And in the careful, lengthy descriptions of *The Prelude*, we see him trying to make this process clear, or at least recognizable. He tethers the imagination to specific incidents and emo-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tions, and shows how it has worked for him in the central moments in his own life.

But after Wordsworth, in the high romantic period of Shelley and Keats, the imagination is detached from the mundane altogether, and recast as an inscrutable, God-like faculty, which works suddenly to remake the world and our experience of it. The archetypal description of the imagination, in this guise, is Shelley's "Hymn to Intellectual Beauty":

> The awful shadow of some unseen Power
> Floats though unseen among us,—visiting
> This various world with as inconstant wing
> As summer winds that creep from flower
> to flower....

And just as Shelley sees the imagination, or Intellectual Beauty, as a divine visitant, almost outside the human mind, so its arrival makes him act like a man possessed:

> Sudden, thy shadow fell on me;
> I shrieked, and clasped my hands
> in ecstasy!

This view of the imagination and its effects has the peculiar consequence of precluding speech: it elicits not words but a shriek. And though later Romantic poets, less excitable than Shelley, do not speak of shrieking, there is still, in the last two centuries of English Romantic poetry, a tendency to remove the imagination from the realm of the sayable. Transformation is ardently desired, but it is so total that it threatens to make language, and therefore poetry, impossible. An odd split is experienced: the poet devotes more and more energy to diagnosing his unfulfillment, and the idea of fulfillment becomes correspondingly vaguer, more notional.

We may observe the same phenomenon in Stevens, the poet from whom Ashbery draws the most. Stevens can be fantastically detailed about everything relating to imaginative transformation, except what it will consist of or feel like. He constantly maneuvers around the main point, as in "The American Sublime":

> How does one stand
> To behold the sublime,
> To confront the mockers,
> The mickey mockers
> And plated pairs?
>
> When General Jackson
> Posed for his statue
> He knew how one feels.
> Shall a man go barefoot
> Blinking and blank?
>
> But how does one feel?
> One grows used to the weather,
> The landscape and that;
> And the sublime comes down
> To the spirit itself,
>
> The spirit and space,
> The empty spirit
> In vacant space.
> What wine does one drink?
> What bread does one eat?

To which one may want to reply, "Well, what?" But of course that is the point: it cannot be told. The supreme fiction "must be abstract." Stevens's Romanticism is gestural, pointing at a fulfillment that poetry itself cannot describe or accommodate.

Which brings us back to Ashbery, to his Romanticism and to his nonsense. What we see here, I think, is an elephantiasis of indirection, an immense expansion of the inessential in order to give point to what is essential, since the essential is itself inexpressible, no more than a vapor, a tremor. To read Ashbery is to plod through a dismaying expanse of trivia, jokes, bent grammar, and parody of sense so that the poet can, at last, bring in his five or ten lines of epiphany:

> And some day perhaps the discussion
> that has to come
> In order for us to start feeling any of it
> before we even
> Start to think about it will arrive in a
> new weather
> Nobody can imagine....
> Will take place in a night, long before sleep
> and the love
> That comes then, breathing mystery back
> into all the sterile
> Living that had to lead up to it.

In and of itself, "breathing mystery into all the sterile living that had to lead up to it" is only a good line; but we have labored so hard to reach it that it takes on the dimensions of a revelation.

It is perfectly legitimate for the poet to make the road to his truths a difficult one; and in several of Ashbery's best poems the game is worth the candle. But it is also clear that Ashbery demonstrates a sort of end-point for Romanticism in poetry. What other poets are learning and will learn from him is not his great Romantic gesture, but all the self-indulgence that goes with it: the simpleminded jokes, the pop-culture references, the defiances of grammar, all the apparatus of nonsense and avant-gardism that is so trying in so many of Ashbery's poems. They do not see that Ashbery's casualness is only successful because it is a variety of pathos.

But the Romantic perplexity that animates Ashbery's best work—the dilemma of having to communicate, in words, a feeling that is beyond words—also drags it down, requiring or at least permitting a great deal that is insubstantial, inessential, insufficiently formed, tedious. Poetry has many resources that Ashbery neglects or abuses, in the name of exercising one particular resource; and this is mannerism. It is therefore fitting that Ashbery's most famous poem, "Self-Portrait in a Convex Mirror," should be about a painting by the Mannerist Parmigianino: Ashbery gives the same sense of exhaustion, that after him there is nowhere fruitful for poetry to turn.

IV.

Ashbery's poetry of recent years—since *Flow Chart*, his massive book-length poem of 1991—has been less clearly Romantic, more often casual and nonsensical. Starting with *Hotel Lautréamont* (1992), however, there has also been an increasing focus on age and the approach of death, which reaches a new intensity in *Wakefulness*.

Hotel Lautréamont was frequently elegiac, musing on how a life never turns out the way one expects while one is living it:

> No one knows what it's about anymore.
> Even in the beginning one had grave
> misgivings
> but the enthusiasm of departure swept
> them away
> in the green molestation of spring.
> We were given false information on which
> our lives were built, a pier
> extending far out into a swollen river.
> Now, even these straws are gone.

And his next book, *And the Stars Were Shining*, ended with what sounded very much like a valediction:

> I let so many people go by me
> I sort of long for one of them, any
> one, to turn back toward me,
> forget these tears. As children we played
> at being grownups.
> Now there's trouble brewing on the
> horizon....
>
> Peace, quiet, a dictionary—it was so
> important,
> yet at the end nobody had any time for
> any of it.
> It was as if all of it had never happened,
> my shoelaces were untied, and—am I
> forgetting anything?

Compared to his usual tone and method, these stanzas ring out with melancholy, a regretful backward glance at his life and work together.

Now (after a more various and expansive volume, *Can You Hear, Bird*) we have *Wakefulness*, in which elegy is seen to crumble into something like despair.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The book is remarkable for the nakedness of its statements about death and the fear of death. In the face of this least escapable of subjects, the poet is finally compelled to speak openly, directly. Of course, the tinsel of joking and distraction is still present in large quantity:

> One of them tries to get back to "normal,"
> but the place is too exaggerated. Madame
> Nola is here.
> And the bishop's children. And silly
> Irmgard.
> And Rodney's commando. The teacher's
> pet. The cigar baron.
> Marshal Tito. The young Eleanor
> Roosevelt.

And reading *Wakefulness*, like reading any of Ashbery's books, involves plodding through these passages, amused or bored depending on one's taste. Yet there is also, as in his best poetry, the occasional clear moment, introduced as if by sleight-of-hand into the carnival atmosphere. Again and again, Ashbery seems to express a regret for past time and an actual, urgent concern about the afterlife. He looks to that afterlife with doubt, but without irony:

> Oh she warned it's just to the end of
> the block
> where knee-high tulips pucker and all
> is reassuring
> as they'd rather not have you believe. Does
> that clear everything up? Well I think so
> well I
> would like to see the proof of the
> invitation:
> a hand print. I'm so sorry these are
> inexcusable.

Here, the parodies—the childish Heaven where "knee-high tulips pucker" and the superpolite tone of "I'm so sorry"—are signs of a real anguish. The effect is like that of Berryman's *Dream Songs*, where great emotional urgency is too embarrassed to speak its own name, preferring instead to make jokes; but the genuineness of the emotion is unmistakable.

Death surfaces in other poems, too, even when disguised, as in the beginning of "The Village of Sleep":

> Why, we must dye it then—
>
> Would I like to stay here indefinitely?
> We have trees to prune, cryptograms
> to decode,
> it was all a blind running into the light....

The defensive pun of "dye" quickly gives way, by the fourth line, to a surprisingly straightforward pathos. And at other moments Ashbery is more naked still:

> Now sometimes in the evenings,
> I am lonely
>
> with dread. A rambunctious wind fills the
> pine
> at my doorstep, the woodbine is enchanted,
>
> and I must be off before the clock strikes
> whatever hour it is intent on.
>
> Do not leave me in this wilderness!

From another poet, these lines would seem too exposed, too simple; but from Ashbery they are moving, for one senses the extreme emotion that leads him to abandon his usual indirection.

Along with these fears of death goes the poet's plea for fame, not to be forgotten: the Horatian *non omnis moriar*. Or, in Ashbery's language:

> All the way to the escape clause
> he kept insisting he'd done nothing wrong,
> and then—pouf!—it was
> curtains for him and us, excepting these
> splinters
> of our perpetual remainder, reminder....

And again, even more directly:

> What I'm doing now is write.
> That's the real stuff....
>
> Why yes. Remember
> me? Remember me
> in any case.

As he makes these pleas, Ashbery seems more than ever to look toward the English poetic tradition that he has so often broken with, as though eager to claim his place in it. Scattered through the book we find Tennyson's "black bat night," Wordsworth's "idiot boy," Whitman's "Mannahatta." And the pastiche poem "The Dong with the Luminous Nose" is composed entirely of famous lines from other poems: "Kubla Khan," "The Waste Land," "Resolution and Independence," "The Eve of Saint Agnes," Hopkins, Auden, and others are quickly apparent. The overtness of the references, in a poet so often oblique, is of a piece with the plain statements about death and fame. They are all the hallmarks of a late style. And so *Wakefulness* offers us a peculiarly affecting spectacle: the erstwhile comedian, settling down in what passes for the rag and bone shop of his heart. •

Objectively Good

By Charles Larmore

The Invention of Autonomy: A History of Modern Moral Philosophy by J. B. Schneewind

(Cambridge University Press, 623 pp., $24.95)

In important ways Christianity has been a religion for leaving religion behind. Nothing illustrates this paradox better than the thought of Paul, who helped to turn a Jewish sect into a world religion. To show that Jesus's message was meant for Gentiles as well as Jews, he argued that the moral law which the Jews had received by divine revelation had been understood by the Greeks and the Romans by unaided reason. Paul was convinced, of course, that the Bible offers a deeper understanding of our moral nature than pagan philosophy; but he also held that the discernment of moral truth does not depend upon faith, and he held this view for religious reasons.

Thus he taught that even those who have had no part in God's covenant may be expected to see where duty lies. For only in this way can the Gospel speak to them too, as it proclaims that no one, Jew or Gentile, can live fully by the law without Christ's saving grace. It is the universality of the Christian deity that entails that the essentials of the moral life must be intelligible on their own: "When Gentiles who have not the law do by nature what the law requires, they are a law to themselves. They show that what the law requires is written on their hearts, and their conscience bears witness to it."

Yet the possibility of a secular morality, which Paul acknowledged in the early days of the faith, was harder to concede once the Christian religion had achieved a position of cultural and intellectual hegemony. The history of modern ethics is the story of the slow and often faltering retrieval of a conception of morality independent of God. Fittingly, therefore, J. B. Schneewind returns often to Paul's words from the *Letter to the Romans* in his magnificent study of moral philosophy from Montaigne to Kant. Schneewind's central theme is the emergence of this independent morality, one which he calls a morality of "self-governance." Its essential idea is that each of us has an equal

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ability to grasp and to heed the principles of right conduct, regardless of the rewards or the punishments that anyone, even God, might set up.

Schneewind has an historian's sensibility, with a fine eye for unintended consequences. He is careful not to assume that figures in the past were aiming at what the future eventually made of their actions. Thus he rightly observes that most of the philosophers who struggled toward an ethics of self-governance were sincere Christians, far removed from the sweeping secularism of today, for which religious belief has nothing to contribute to moral understanding. They rejected the view that the authority of moral principles is rooted in God's will, made known to us by his commands and given effect by his sanctions—but their opposition to "voluntarism" often had its source in convictions about what our relation to God ought to be like. Piety, they believed, is not servile obedience. There can be no sense in loving God or in praising His justice, if we reckon the good and the right to be merely the creatures of God's will. We worship God as we should, Leibniz argued, when we recognize that there are independent standards which He exemplifies to perfection.

Other connections between morality and faith also remained intact. The denial that God is the author of right and wrong did not undermine the belief in divine providence. Whether or not we agree that moral distinctions speak for themselves, the moral order of the world seems flawed beyond all that we can imagine ourselves able to remedy. Think of the evil that escapes unpunished, the virtue that goes unhonored, the suffering that can never be redeemed. Well into the eighteenth century, worries such as these moved many philosophers, notably Joseph Butler, Bishop of Durham, to maintain that God's justice and love will prevail in the end, even as they adamantly affirmed that moral principles hold independently of His will. Butler correctly understood that where moral wrong exceeds the human ability to set it right, the ethics of self-governance are of no avail. If faith might prove an irreplaceable part of the moral life, it must be here.

In these and other ways, modern ethics took shape within a worldview that was still informed by religious belief. A signal virtue of Schneewind's book is his demonstration of this truth. Today reference is glibly made to an "Enlightenment project," which aimed at a fully secular morality, freed of any reference to God; but Schneewind rightly complains that such a vision played but a small role in the Enlightenment itself. Still, the import of his remarkable study is that a more limited secularizing project did take shape over the course of the seventeenth and eighteenth centuries. It may have been imbued with Christian tenets, but what else was the emerging ethic of self-governance if not the conviction that, in order to know and to follow our duty, we are able to stand on our own? Its goal was finally to relieve God of the task of giving morality a foundation.

Schneewind does not make clear how he thinks this religious dimension of modern ethics should be understood. Was Christianity simply a point of departure, the reigning dogma that colored and sometimes compromised the advance toward a new image of morality? Or should we regard it instead as playing a more positive role, as the stimulus to move in a less theocentric direction? Was the religious background a mere circumstance, or was it an opportunity as well? I believe that it was more the latter, and the details of Schneewind's story point that way, too.

The image of a single moral community embracing God and man played a decisive role in rehabilitating the idea that knowledge of moral truth has no need of faith. But the plot is also a little more complicated. For the new ethics of self-governance did not represent a simple return to the pre-Christian ethics of antiquity. Christian theology left its mark.

One transforming influence was the tendency to conceive of morality as a body of laws or principles. This conception continued to reign even after the idea of a divine legislator began to fade. It drove early modern philosophers to seek their ancient models more often in the ethics of the Stoics than in the ethics of Aristotle. Minimizing the value of rules, Aristotle portrayed virtue as the art of judgment, the knack of sizing up the particular situation at hand. For the moderns, by contrast, virtue was the conscientious adherence to principle. Though scarcely blind to the limits of rules, they typically saw in this phenomenon little of moral moment, an occasion for discretion rather than uncodifiable insight.

Today the respective roles of principle and judgment are hotly debated in moral philosophy. Yet we go wrong to suppose, as many do, that the modern focus on principles is but a theological residue. Quite the contrary. It formed an integral part of the new ethics of self-governance. Rules can be mastered by all; but insight belongs only to some, and an ethics which builds on this narrow basis is bound to entail, at its very core, deference to a class of moral virtuosi, as Aristotle himself believed. The idea of moral law may be a biblical inheritance, yet its

God is a dangerous idea—whether animistic or vitalistic, theistic or deistic—perverting justice in ethics and politics. Of ancient philosophies Epicureanism alone disposed of this problem with coherent doctrines about chance/necessary interaction of atoms, about evolutionary development, and about basic biological drives. The historical Jesus agreed more with this than with Judaism—more atheist/realist than theist/idealist—as indicated by a recently unearthed document that claims to be enigmatic *ipsissima verba* of Jesus noted by an evidently puzzled student who wandered with him. Jack Hannah corroborates this claim with other independent ancient documents. All pertinent texts and commentary are provided.

YOU WILL NOT TASTE DEATH
JESUS AND EPICUREANISM

321pp. pbk. $12 postpaid
mail check to Frank Publishing
1816 Springmill Road
Mansfield, OH 44903-8907

FREE CASH GRANTS!

College. Scholarships. Business.
Medical bills. Never Repay.

Toll Free: 1-800-218-9000 Ext. G-4377

SEIZED CARS FROM $175.

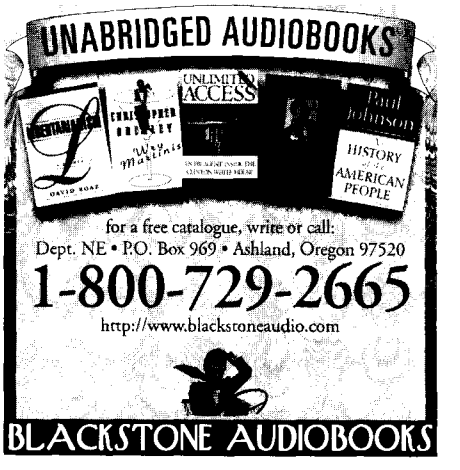
Porsches, Cadillacs, Chevys,
BMW's, Corvettes. Also Jeeps, 4WD's.

Your Area. Call Toll Free,
1-800-218-9000, Ext. A-4377
for current listings.

GOVERNMENT FORECLOSED HOMES FROM

pennies on $1. Delinquent Tax,
Repo's, REO's. Your Area.

Call Toll Free: 1-800-218-9000
Ext. H-4377 for current listings



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

egalitarianism is no less valuable because of its origins. The freestanding morality which emerged in modern times was a morality which religion had refined.

Christianity made another difference, which was indirect. A millennium and more of theological dissension, brought to a head in the religious wars that ravaged Europe after the Reformation, inspired some thinkers to reconceive the very point of morality. Does the moral life stand in the service of the highest good? The trouble with this orthodox perspective was that disagreement about the *summum bonum* had driven Christians to abandon the elementary decencies as they slaughtered one another in the name of the true faith. Experience seemed to recommend a new conception: since the meaning of life seems fated to remain an object of controversy even among reasonable people, would we not do better to think of morality as providing the rules by which people can live together, despite their differences about ultimate matters?

Early in the seventeenth century, Hugo Grotius undertook to put moral philosophy on this new footing. Writing one of the first histories of modern ethics a century later, Jean Barbeyrac singled him out as its heroic founder: Grotius, he wrote, was the first to break the tyranny of Aristotle and to turn the theory of natural law in a more profitable direction. Schneewind voices a similar appraisal. As he explains, Grotius urged that our moral thinking take its bearings from some basic facts about the human condition that the religious wars had made all too visible.

We are social creatures, who value the fruits of cooperation as well as the joys of companionship; but we are also quarrelsome beings. We seek our own narrow advantage, and we are given to disputing with one another about ultimate questions. Our unsocial sociability (as Kant later called it) entails that we live together by principles based upon mutual respect, not upon a shared vision of the highest good.

For Grotius, these principles have the status of natural law, since they bind us in advance of our own decision. Their validity is something that we discover by reason. Indeed, they would be valid, he famously declared, "even if we should concede that which cannot be conceded without the utmost wickedness, that there is no God, or that the affairs of men are of no concern to him." Actions are in themselves obligatory or not obligatory, so that God respects, but does not create, the moral qualities of things.

Grotius's importance is owed, I think, to his having combined two ideas. He ascribed to the fundamental principles of morals an independent authority. (As Schneewind observes, he spurned even the compromise option, proposed by Francisco Suarez, the early-seventeenth-century Jesuit, that God's command is necessary to turn good counsel into obligation.) Yet he also claimed that these principles are necessarily modest in scope, since they originate in our inability to agree upon final ends.

It turned out that Grotius's synthesis was a fragile one. The two ideas that he held together were soon pulled apart. Pufendorf and Locke, the central figures in the new school of natural law, embraced "the Grotian problematic," as Schneewind terms it. They sought to give the elementary principles of morality an uncontroversial, nonsectarian basis. Yet they also fell back upon the voluntarist notion that moral principles ultimately rest upon God's commands.

Thus Pufendorf supposed that the world contains only two sorts of things, matter in motion plus minds, and so nothing of a properly moral nature such as duties or rights. It is minds that "impose" moral qualities upon things as a consequence of the rules that they lay down. Since the fundamental standards of right and wrong bind all human beings, they must have been instituted by God; and we go on to establish subordinate rules as we organize ourselves into political communities. The justification that Pufendorf offers for his departure from Grotius is simple. "Law is always the bidding of a superior," he asserted. There is no law without a legislator.

But this argument collapses when we ask a simple question: Why should we heed God's commands? Pufendorf himself acknowledged that duty, as opposed to mere terror, may stem from the will of a superior, if he possesses authority as well as power. But on what basis can God be judged a rightful ruler, if he is thought to be the author of the very distinction between right and wrong? There is no point replying, as Pufendorf did, that we owe God obedience because of the service that He has done us. For whence the obligation to repay benefits with gratitude and deference? Plainly, once we allow that God is no tyrant and has good reason to expect of us what He does, we have no way around the acknowledgement of morality's independence of God.

This objection figures at the heart of the devastating attack that Leibniz wrote against Pufendorf. Leibniz shared Grotius's belief in the independence of moral truth. Still, he did not accept "the Grotian problematic." He did not see the basic aim of morality as enabling people to live together in mutual respect despite their abiding differences. To be sure, Leibniz was keenly aware of the confessional conflicts dividing his age. Yet in his eyes disagreement is not a condition in which reasonable people naturally find themselves when they discuss the ends of life. It is rather a sign that they have not reasoned carefully or deeply enough.

For Leibniz, the principles of morality—the chief one being that right action consists in bringing about the greatest good overall—form part of a general metaphysics of perfection, in which our understanding of God's ultimate purposes can approach His own. Reason shows, in the famous phrase, that this is the best of all possible worlds. Leibniz belongs among the thinkers Schneewind rightly calls "perfectionists," who believed that morality directs us toward individual perfection, and therefore scorned the modesty that Grotius sought to introduce into moral philosophy.

Perfectionists were generally wedded to the idea that moral truth does not depend upon God's will. But observe that no necessary connection binds together these two views: there is nothing incoherent in holding to the objectivity of morals while rejecting perfectionism. What kept philosophers such as Pufendorf and Locke from admitting the independent validity of moral principles was not their restricted conception of the tasks of ethics. It was a different commitment, namely, their empiricism. Since they believed that all knowledge of the world derives from sense experience, and since duties and rights are obviously not objects of perception, they had no way to conceive of there being moral principles unless they were set up by minds, God's or our own.

Schneewind does not sufficiently clarify the logic of the situation. He makes much of an opposition between two schools, natural law and perfectionism, creating the impression that all their differences were of a piece. But this was not so. Two distinct issues were at stake: the point of morality and the source of moral obligation. As the case of Grotius makes clear, understanding morality to be a medium of mutual respect for people who are otherwise divided could comport comfortably with the view that its principles possess a truth that is acknowledged rather than made.

It is true, though, that in this regard Grotius had few followers. For the most part, philosophers in the seventeenth century lined up in the two opposing groups that Schneewind defines. And though God's will played little part in the next century's debates about the basis of morality, there was no significant return

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to Grotius's position—certainly not in Hume and Kant, and only to some extent in lesser figures such as Richard Price and Thomas Reid. And the path that philosophy took instead was regrettable, for it thus lost sight of its best prospect.

The real revolution in ethics of which Grotius could have been the founder did not occur. Hume and Kant did agree that morality's domain is a human condition marked by limited affections and enduring disagreement; and neither sought to place morality in the service of some religious or metaphysical vision of man's place in the universe. Yet both refused to grant moral principles any validity independent of the mind. In their different ways, both believed that we ourselves (God having receded to the margins of their ethics) create the demands of morality.

For Hume, moral distinctions arise from our feelings of approbation, which we project outwards, "gilding or staining all natural objects with the colors borrowed from internal sentiment." For Kant, they express the principles of conduct which reason lays down for itself and whose validity rests upon this very process of self-legislation. Note that "autonomy," so understood, is not the same as self-governance, but a particular and extreme variant of it. (Schneewind is helpfully clear on this point.) Self-governance involves acknowledging the authority of moral principles apart from external sanctions. It does not entail that their authority is our own construction.

The Humean and Kantian theories are still at the center of moral philosophy today. And however ingenious their present-day formulations, they cannot escape a similar difficulty. For our moral experience seems essentially responsive. It is a matter of heeding the claims upon us, not just of exercising taste or giving ourselves rules. How can we understand our judgments of moral right as expressions of approval, when we believe that the right is something of which we *ought* to approve? So, too, what can it mean for our reason to create on its own the validity of moral principles, since no thinking can count as rational except by conforming to valid principles? How can any legislation count as the work of reason, if there are no principles given in advance determining how it *ought* to proceed?

As his title indicates, Schneewind, too, dismisses the Kantian notion of autonomy as an "invention," a figment of the philosophical imagination. (He never explains precisely the reasons for his verdict.) But why have so many philosophers, not just Hume and Kant, gotten into this bind? One important factor, surely, has been the assumption that the world we can know reduces to the neutral world of modern science, a universe of cause and effect, void of directives. There can be no value in a world of scientific fact, it is supposed, unless we put it there ourselves.

This picture of the world enjoys enormous prestige among philosophers and the public alike. But it is a shortsighted view. Science itself is a normative enterprise, governed by canons of evidence and explanation. These standards cannot be deemed ones that we give ourselves. These standards, or at least the ultimate principles of reasoning on which they depend, must instead be understood as having a validity that we acknowledge, not a validity that we create. We do not grasp them by means of perception, of course; but sense experience is not our only source of knowledge. We learn as well by reflection, when we ponder the reasons there are for adopting new beliefs or questioning old ones. Without the conviction that we are responsible to principles of rational thought, science itself becomes but a game, a piece of high story-telling, lacking any claim on our allegiance.

It follows that the facts about how we should reason are no less real, no less independent of us, than the scientific facts which they guide us in discovering. The world, or the totality of what there is, has to include more than a narrow-minded image of science allows. Value is not opposed to fact. Value is an inherent part of fact. Once we admit, as we must, that our thinking answers to objective standards, no philosophical obstacle stands in the way of agreeing that our actions, too, are subject to the authority of principles that we do not fashion ourselves, principles of morality we likewise grasp through reflection. The modern descendants of Hume and Kant have supposed that they were avoiding metaphysics, but they were succumbing to a flawed metaphysics instead.

Schneewind's history ends with Kant. In a way this is fitting, since moral philosophy has moved only gropingly beyond the terms in which Kant (along with Hume) cast its problems. Yet Kant cannot be the ultimate destination. The ethics of self-governance does not find its fruition in the ethics of autonomy. Modern thought has properly left behind the religious conception that morality is of God's making; but we cannot rest content with the conclusion that it is therefore of our own making, as though we had only to fill God's shoes. To complete the escape from divine tutelage, we have to learn to see the difference between right and wrong as part of the way things are.

CHARLES LARMORE is professor of political science and philosophy at the University of Chicago.

TRB *continued from page 6*

cities such as Vladivostok are getting by on a few hours of water and electricity per day. Food and fuel will be in dangerously short supply this coming winter.

It's hardly surprising, then, that so many of the 89 regions, including Chechnya, that comprise the Russian federation are beginning to wonder if they can't do better on their own. The governor of Yeltsin's old hometown, Sverdlovsk, has even issued a declaration of a "Urals Republic."

But, however logical a goal, wouldn't the *process* of dissolution spell disaster? Most scenarios for Russia have been doomsday ones involving rioting in the streets, civil war, and, worst of all, terrorists getting a hold of nuclear weapons. But perhaps it is the West's support for a unitary Russia that is leading to exactly that denouement. The best thing might be for the United States to encourage the peaceful breakup of Russia rather than a violent upheaval, in which Moscow attempts to quash declarations of independence.

After all, back in 1989, as the Soviet empire crumbled, many Western policymakers feared a bloodbath was inevitable. It never happened. Instead, republics like Ukraine not only moved peacefully toward independence but even surrendered their nuclear weapons—so much for the loose nukes problem.

In short, given the inability of Russians to establish a strong and democratic central state, perhaps many of the economic problems afflicting them could be better solved on the local level—where officials can be held accountable. Anyway, de facto independence already exists. Regional governors and legislative assemblies have begun to gain mandates through democratic, direct elections and to ignore the central government's decrees.

The United States could also benefit from the disintegration of Russia. For one thing, the United States would have more leverage in dealing with individual states inside the former Russia since it could play them off one another. And the United States would have more power over them by virtue of its sheer size. A world in which there is no major Russian power would immeasurably help maintain American dominance abroad. Already, the United States has taken over Russia's former Eastern European empire by expanding NATO. Despite Republican charges, the United States didn't lose Russia. But maybe we should.

JACOB HEILBRUNN

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

WASHINGTON DIARIST

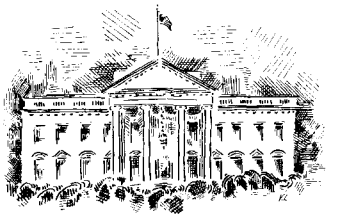
Card carrying

PLEASE EXCUSE ME IF THIS DIARIST sounds a bit erratic. I'm feeling very conflicted at the moment. You see, as a member of the National Organization for Women, I am distraught about the gun violence in our schools brought about by our patriarchal culture. Yet, as a member of the National Rifle Association, I know that guns don't kill people. As a member of the Christian Coalition, I believe the solution is to pray that children shalt not kill. Still, as a card-carrying member of the American Civil Liberties Union, I insist that those prayers not be uttered in schools or on government property.

MY INNER TURMOIL DATES FROM last September, when I decided to join all of these groups. My plan was to pick two interest groups on the left and two on the right, see which mailing lists each group landed me on, and then join those groups, too—sort of a junk-mail chain letter. I would then write about the linkages between the groups. Unfortunately, the idea was a flop: only the ACLU went wild selling my name. But I soon became aware of a consolation prize: at cocktail parties, I could whip out my membership cards and amaze my friends. I am worried, however, that my motives may be misunderstood. Before I could get my White House press pass, the Secret Service had to "investigate" me, and I can only imagine what weirdness made it into my file. (Note to Secret Service: I hereby resign and renounce my membership in the Marijuana Policy Project.)

EACH MEMBERSHIP COST ME $35, except for the Christian Coalition, for which I chose the $25 membership rather than the pricier "Christian Patriot" level. (My Jewish grandmother would have jumped out the window over that one.) In order to trace the mailings I received, I used four variations on my name, providing my middle name, D. Timothy Milbank, for the Christian Coalition (sounds biblical) and, for the NRA, D. Tim Milbank (as in Tim McVeigh). For the ACLU, I chose the intellectual-sounding D.T. Milbank, and for NOW I used my womanly first name but added an extra "l" to my last name.

THE MEMBERSHIP CARDS CAME true to stereotype. The ACLU version was a flimsy piece of paper with perforated edges. NOW's was only slightly better. The conservative ones were far more slick, as their operations generally are. The Christian Coalition card was of credit-card quality plastic with raised letters and a grand emblem of an American flag. The NRA's was best of all. Not only was it a hefty plastic card with an eagle photo on the front, but the back promised discounts at Days Inn and other hotels. The way the discount works, as I imagine it, is you walk into the hotel, wave your eagle card, and shout, "NRA discount, everybody on the floor!" While the hotel staff dives for cover, simply help yourself to the keys to a room of your choice. (Note to Secret Service: I did not actually try this myself.)



SADLY, MY MEMBERship in NOW was a bust. All they sent me was my membership card, a newsletter, and a solicitation from Patricia Ireland for $55 "to protect our abortion rights." Soon after I joined, I received a catalog from Victoria's Secret, featuring a woman on the cover with a sequined brassiere and high heels. Had the leading feminist group linked me to a leading maker of slinky undergarments? Alas, it was too good to be true; my name on the mailing label didn't have the extra "l" I had given NOW. Blame it on J. Crew, I suppose.

BUT, IF NOW DIDN'T SATISFY, THE ACLU more than made up for it. The group (which I once joined in earnest years ago when it helped my high school newspaper fight the school district over censorship) quickly linked D.T. Milbank to Common Cause and, yes, the Marijuana Policy Project (medicinal, they claim). D.T. Milbank joined both. He also responded to a plea from the Council for Secular Humanism, which promised such discussions as "Are the Ten Commandments Relevant Today?" (Answer: no.) A blizzard of liberal junk mail followed for D.T. from Amnesty International, the National Public Radio affiliate, Americans for the Arts, the Red Cross, a shelter for teens, a shelter for women, an AIDS group, Project Vote Smart, and the John F. Kennedy Library. Overwhelmed, I didn't join these groups, but I couldn't resist a pitch from People for the American Way. "STATE-BY-STATE STRATEGY FOR DEFEATING THE CHRISTIAN COALITION," the envelope said. Inside was more about the "mean-spirited" religious right and a plea to "help us take on the Christian Coalition." I *am* the Christian Coalition, but I'm not mean-spirited. I sent them $20 and got back a membership card even cheaper than the ACLU's.

THE CHRISTIAN COALITION ITSELF didn't link me to other groups, but it begged endlessly for alms from D. Timothy. I particularly enjoyed Pat Robertson's Christmas greeting. "Dear D.," he began. "I have so many blessings to be thankful for each and every day," including his wife, children—and me. "I'm thankful for you, D." He closed by saying, "I pray you'll send at least $25 today.... Thank you and God bless you for caring, D." I would've hung it on the Christmas tree, but, as a member of the ACLU, I object to the display of religious objects.

PROFESSIONALLY, my many affiliations have come in handy only once, when I was on television defending myself against a Christian minister who was giving me a tough time about a skeptical article I'd written about the religious right. Journalists, he told me, just don't make the effort to *understand* Christians. On the contrary, I told him, "I am a member of the Christian Coalition." The minister seemed flummoxed, but I quickly added, "for academic purposes," so as not to deceive him. This was also for the benefit of my grandmother, who had probably climbed halfway out the window.

EVEN IF MY MEMBERSHIPS PROVIDE little professional use, I can't complain about the personal pleasure I receive from my subscription to *American Rifleman*, part of my NRA membership. Each issue has a picture of an Uzi or a rifle or Charlton Heston on the cover. My favorite feature is the "Armed Citizen" column, in which law-abiding gun owners blow the brains out of bad guys. In a recent issue, a store clerk uses his .38 pistol to kill a robber, a man mowing his lawn uses a revolver to mow down a mugger, and a bicycle rider uses a .45 to terminate a youngster who tries to take his bike. Now *that's* inspirational stuff. I have a feeling the gun magazines' arrival in my lobby has already stopped a crime. Is it my imagination, or did my neighbors stop stealing my newspapers? I want to put my NRA decal in the car window, but my wife objects. Maybe I'll do it anyway. If she throws me out of the house, I can always get a good rate at Days Inn.

DANA MILBANK

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THANKS TO PHILLIPS, WEARY TRAVELERS WILL ALWAYS HAVE A PLACE TO STOP AND REFUEL.

By donating a former plant site to the Cactus Playa Lake Project, Phillips Petroleum helped expand and protect the habitat of hundreds of thousands of migratory birds. The project resulted from the cooperative effort of Phillips, wildlife and conservation agencies and the community of Cactus, Texas. Now bald eagles, waterfowl and dozens of other bird species have a better place to rest along the Central Flyway. It's yet another example of what it means to be The Performance Company.

PHILLIPS PETROLEUM COMPANY

For a copy of our annual report, call 918-661-3700, write to: Phillips Annual Report, B-41, Adams Bldg., Bartlesville, OK 74004, or visit us at www.phillips66.com.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Delta Air Lines
ON TOP OF THE WORLD™

Now available in extra small.

Your business grows. Your need to travel grows. And at Delta Air Lines, we're expanding our service to shrink the world accordingly. We're continuing to add destinations throughout Latin America and Asia, and we have more nonstops to more cities in Europe than any other airline. And if you happen to be going beyond Delta's destinations, you're still not going beyond our sphere, thanks to our Worldwide Partners' flights. In total, you'll have the option of more than 5100 daily flights to over 355 cities in 62 countries where you do business. Rest assured, as your need to travel the world continues to grow, at Delta Air Lines it is always our pleasure to reduce the lengths to which you have to go to get there.*

Call your Travel Agent or Delta Air Lines at 1-800-221-1212, or visit us at www.delta-air.com

*Based on cities served by Delta, Delta Connection® and Delta Worldwide Partners®. ©1998 Delta Air Lines, Inc.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED